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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

LIQUIDATION OF NATIONAL FARM LOAN ASSOCIATIONS

Part 11 of Chapter I, Title 6, Code of Federal Regulations is hereby amended by adding §§ 11.64–50 to 11.64–51, inclusive, and §§ 11.385–50 to 11.385–53, inclusive, to read as follows:

§ 11.64–50 *Method of liquidation.* Any association may be liquidated by the retirement by a bank, with the approval of the Administration, of all the stock held by the association in the bank and the retirement of the corresponding shares of stock in the association. In the absence of special circumstances, approval will not be given to a liquidation by this method unless the association has less than 10 members and it appears to the satisfaction of the Administration that the association cannot or will not function and that its continuance will not serve a useful purpose.

§ 11.64–51 *Distribution of assets.* The assets of the association shall be applied to the payment of the obligations of the association, and any such assets remaining shall be distributed to the stockholders of the association as of the effective date of liquidation, pro rata according to their respective shareholdings. Contingent liabilities incurred by the association on account of endorsed mortgages shall be determined and included as obligations. The amout of contingent liabilities shall be determined by agreement between the association and the bank.

* * * * *

§ 11.385–50 *Liquidation of associations; action by bank.* The board of directors of the bank shall take appropriate action to adopt a resolution requesting approval of the Administration to pay off at par and retire all stock held by the association in the bank. The resolution should specifically state that, in the judgment of the board, it is advisable for the benefit and best interests of the association members and those engaged in agriculture in the territory of such association that all stock held by the association in the bank and all corresponding shares of stock in the association held by borrowers through it should be retired and the association liquidated. In the event an association is unable to pay its indebtedness in full, the resolution should further state the consideration the bank has given to the enforcement of the liability of the stockholders for the payment of the association's debts and the conclusion reached.

§ 11.385–51 *Certification by officer of bank.* The appropriate bank officer shall certify to the action taken at the meeting of the board of directors, and his certificate shall set out the resolution adopted by the board.

§ 11.385–52 *Completing liquidation.* Upon completion of the board's action, a certified copy of the resolution, accompanied by a detailed statement of facts concerning the conditions, operations, and prospects of the association, should be forwarded to the Administration. Upon approval or disapproval of the bank's request by the Administration, notice of such decision will be sent to the bank. Upon receipt of approval notice, the bank shall take the necessary action to pay off at par and retire the stock held by the association in the bank, and when such action has been completed, the bank shall notify the Administration. The Administration will advise the association of the retirement by the bank of its stock. Upon receipt of this information the association, by action of its board of directors, shall have recorded on its books the retirement of the corresponding stock of the association held by the borrowers; determine by agreement with the bank the amount of contingent liabilities incurred by the association on account of endorsed mortgages, which amount shall be included as an obligation of the association; apply all assets of the association to the extent necessary to the payment of the obligations of the association; distribute any remaining assets of the association to the stockholders of record as of the effective date of liquidation pro rata according to their re-

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FEDERAL REGISTER

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NOTICE

Book 1 of the 1943 Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains the material in Titles 1–31, including Presidential documents, issued during the period from June 2, 1943, through December 31, 1943.

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spective shareholdings; and return the charter of the association to the bank for transmittal to the Administration for cancelation.

§ 11.385–53 *Examination; disposition of books and records.* Upon completion of liquidation, the books and records of the association shall be forwarded to the office of the Resident Farm Credit Examiner for final examination: *Provided, however,* That upon the written request of the secretary-treasurer of the association, such final examination shall be made at the association's office prior to the release of the books and records by the association. Upon completion of the examination, the books and records will be forwarded to the Administration by the Resident Farm Credit Examiner.

(Sec. 6, 47 Stat. 14, sec. 7, 39 Stat. 365, as amended; 12 U.S.C. 665, 721)

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 45–1115; Filed, Jan. 17, 1945; 3:24 p. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 75–3, Amdt. 5]

PART 1410—LIVESTOCK AND MEATS

INCREASED SET ASIDE ON PORK LOINS

War Food Order No. 75–3, as amended (9 F. R. 12948, 14272), is further amended by deleting the figure "3.5" in the first sentence of paragraph (b) (2) and substituting in lieu thereof the figure "4.5."

This amendment shall become effective at 12:01 a. m., e. w. t., January 21, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75–3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of January 1945.

LEE MARSHALL,
Director of Marketing Services.

[F. R. Doc. 45-1114; Filed, Jan. 17, 1945; 8:24 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 90]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

MISCELLANEOUS AIRWAYS

JANUARY 9, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Red Civil Airway No. 10. Designation of Airway Traffic Control Areas: Blue Civil Airway No. 30. Redesignation of Radio Fixes: Red Civil Airway No. 30

1. By amending § 601.10210 *Red civil airway No. 10 airway traffic control areas (Trinidad, Colo., to Charleston, S. C.)* to read as follows:

§ 601.10210 *Red civil airway No. 10 airway traffic control areas (Trinidad, Colo., to Charleston, S. C.).* All of Red civil airway No. 10 from the Trinidad, Colo., radio range station to a line extended at right angles across such airway through a point 25 miles east of the Trinidad, Colo., radio range station; from a line extended at right angles across such airway through a point 25 miles north of the Amarillo, Tex., radio range station to the Charleston, S. C., radio range station.

2. By adding a new § 601.10330 *Blue civil airway No. 30 airway traffic control areas (San Antonio, Tex., to Big Spring, Tex.)* to read as follows:

§ 601.10330 *Blue civil airway No. 30 airway traffic control areas (San Antonio, Tex., to Big Spring, Tex.)* All of Blue civil airway No. 30 from the San Antonio, Tex., (Alamo) radio range station to a line extended at right angles across such airway through a point 25 miles west of the San Antonio, Tex., (Alamo) radio range station; from a line extended at right angles across such airway through a point 25 miles south of the intersection of the center lines of the on course signals of the northwest leg of the San Angelo, Tex., radio range and the east leg of the Big Spring, Tex., radio range to the intersection of the center lines of the on course signals of the northwest leg of the San Angelo, Tex., radio range and the east leg of the Big Spring, Tex., radio range.

3. By striking in § 601.40230 *Red civil airway No. 30 (Mobile, Ala., to Jacksonville, Fla.)* the words: "the east leg of the Jacksonville, Fla., radio range," and substituting in lieu thereof the following: "the west leg of the Jacksonville, Fla., radio range."

This amendment shall become effective 0001 e. w. t., February 1, 1945.

T. P. WRIGHT,
Administrator.

[F. R. Doc. 45-1124; Filed, Jan. 18, 1945; 9:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4145]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AGRICULTURAL INSECTICIDE & FUNGICIDE ASSOCIATION, ET AL.

§ 3.24 (a) *Coercing and intimidating—Competitors—By threatening disciplinary action or otherwise:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* Order—following prior order of June 8, 1944, which (a) modified, pursuant to stipulation and court decrees, as to the respondents therein named only, original order of July 24, 1942, which required respondents therein joined, in connection with offer, etc., in commerce, of agricultural insecticides, fungicides, and related chemicals and items for similar usage, to cease and desist from entering into, continuing, directing, instigating, or "cooperating in, any common course of action", mutual agreement, etc., to fix, establish or maintain prices, whether on a delivered basis or otherwise, etc., or to make use of the various other practices as there specified; so that as to aforesaid named respondents the above quoted words are changed to read "cooperating in any agreed or planned common course of action"; and (b) dismissed the complaint in the proceeding as to respondent R. Earl Demmon, former director of the association and "representative" of respondent Stauffer Chemical Co., Inc.—similarly modifying said original order as to the other respondents joined therein, and in all other respects, save and except as thus modified, ratifying and confirming the same. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) (Modified cease and desist order, Agricultural Insecticide & Fungicide Association et al, Docket 4145, December 14, 1944)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of December, A. D. 1944.

In the Matter of Agricultural Insecticide & Fungicide Association, Its Officers, Directors and Members; Allegheny Chemical Corporation; Ansbacher-Siegle Corporation; General Chemical Company, a Corporation; Phelps-Dodge Refining Corporation; and Tennessee Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers thereto of the several respondents, and certain stipulations of fact, and respondents having expressly waived all intervening procedure and hearing as to the facts and consented that the Commission may, without any further intervening procedure, make and enter its findings as to the facts, its conclusion based thereon, and its order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act, entered its cease and desist order herein on July 24, 1942. Thereafter, the respondents Phelps-Dodge Refining Corporation, Tennessee Corporation, American Cyanamid & Chemical Corporation, John Powell & Company, Inc., Southern Acid & Sulphur Company, Inc., Staffer Chemical Company, Inc., and R. Earl Demmon, having filed in the United States Circuit Court of Appeals for the Second Circuit their petitions for a review of the Commission's said order to cease and desist, entered on July 24, 1942; and, thereafter, on December 23, 1943, the said United States Circuit Court of Appeals for the Second Circuit having unconditionally affirmed the Commission's said order to cease and desist as to the said respondents Phelps-Dodge Refining Corporation, Tennessee Corporation, American Cyanamid & Chemical Corporation, John Powell & Company, Inc., Southern Acid & Sulphur Company, Inc. and Staffer Chemical Company, Inc., and having reversed the Commission's said order as to the respondent R. Earl Demmon; and, thereafter, a stipulation having been entered into by the Commission, with the petitioning respondents only, that the Commission's said order of July 24, 1942, should be modified to the extent that the language "cooperating in any common course of action" appearing in the Commission's said order to cease and desist entered on July 24, 1942, should be changed to read "cooperating in any agreed or planned common course of action", and, thereafter, decrees to this effect having been entered on February 21, 1944, with respect to the said petitioners only; and, thereafter, on June 8, 1944, the Commission having entered its order modifying its order to cease and desist entered on July 24, 1942, with respect to the petitioning respondents so as to conform to the decrees entered by the United States Circuit Court of Appeals for the Second Circuit; and, thereafter, on motion of the attorney for the Federal Trade Commission, the Commission, on July 5, 1944, having entered an order directing that a copy of said motion be served upon said respondents and requiring said re-

spondents within twenty days after service upon them of said motion to show cause, if any, they could, in writing, why said order to cease and desist heretofore entered herein on July 24, 1942, should not be so modified, in accordance with said motion, to the extent that the language "cooperating in any common course of action" appearing in the Commission's said order to cease and desist entered on July 24, 1942, be changed to read "cooperating in any agreed or planned common course of action as to all of said respondents, and, thereafter, the said period of twenty days within which said respondents were directed to show cause why said order should not be so modified in accordance with said motion having expired; now, therefore,

It is ordered, That in accordance with the provisions of section 5 (b) of the Federal Trade Commission Act, due notice having been served on said respondents, this matter be, and the same hereby is, reopened for the purpose only of modifying the order to cease and desist heretofore entered herein on July 24, 1942.

It is further ordered, That, as to the respondents Agricultural Insecticide & Fungicide Association, the Acme White Lead and Color Works, The American Agricultural Chemical Company, The American Nicotine Company, Inc., The California Spray-Chemical Corporation, The Chipman Chemical Company, Inc., George W. Cole and Company, Inc., The Hercules Glue Company, Ltd. (a corporation trading under the name of Colloidal Products Corporation), The Commercial Chemical Company, Derris, Inc., Dow Chemical Company, E. I. du Pont de Nemours and Company, Inc., The Latimer-Goodwin Chemical Company, The Niagara Sprayer and Chemical Company, Inc., The Nicotine Production Corporation, The Sherwin-Williams Company, Inc., The Tobacco By-Products and Chemical Corporation, The J. W. Woolfolk Company, Ansbacher-Siegle Corporation, General Chemical Company, R. N. Chipman, L. S. Hitchner, June C. Heitzman, H. D. Whittlesey, H. P. Mansfield, J. B. Cary, J. H. Boyd, A. J. Flebut, G. F. Leonard, G. E. Riches, and J. M. Taylor, general partner, and E. P. Brown and E. W. Parker, special partners, trading as Taylor Chemical Works, Ltd., the Commission's said order to cease and desist heretofore entered on July 24, 1942, be, and the same hereby is, amended and modified to the extent that the language "cooperating in any common course of action" appearing therein be, and the same hereby is, changed so as to read "cooperating in any agreed or planned common course of action"; and

It is further ordered, That the Commission's said order to cease and desist, as entered herein on July 24, 1942 (and as modified on June 8, 1944) be, and the same hereby is, ratified and confirmed in all other respects save and except as herein modified.

It is further ordered, That the respondents upon whom this modified order is served are excused from the filing within sixty days of any new compliance reports, in view of the fact that they have previously filed reports of compliance with the broader form of order originally entered in the case on July 24, 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-1138; Filed, Jan. 18, 1945; 11:24 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

CROSS REFERENCE: For the joint regulation issued by the Acting Secretary of the Treasury and the Postmaster General with respect to treatment of mail matter received from foreign countries involving the customs revenue, see Title 39, Chapter I, *infra.*

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA Reg. 60-12]

PART 703—PUBLIC WAR HOUSING

DISPOSITION OF FEDERALLY OWNED WAR HOUSING PROJECTS

Disposition of federally owned war housing projects developed under Public Law 671 (76th Congress).

Sec.
703.15 General policy.
703.16 Terms and conditions of sale.
703.17 Reports.

AUTHORITY: §§ 703.15 to 703.17, inclusive, issued under 55 Stat. 838; E.O. 9070, 3 CFR, Cum. Supp.; 54 Stat. 676, as amended by 56 Stat. 988; 50 Stat. 888, as amended by 52 Stat. 820 and 55 Stat. 759.

§ 703.15 *General policy.* (a) When the Administrator determines that any Federally owned war housing project developed under Public Law 671 (76th Congress) is no longer needed in the furtherance of the war effort or the orderly demobilization thereof and when the President finds that such project is no longer needed in the locality to assure the availability of dwellings for persons engaged in national defense activities, such project shall then be available for disposition by the Federal Public Housing Authority.

(b) When any such project becomes available for disposition, efforts shall be made by FPHA to sell such project to the local housing authority in whose jurisdiction the project is located to provide low-rent housing for families of low income, as required by said Public Law 671 and the United States Housing Act of 1937, as amended.

§ 703.16 *Terms and conditions of sale.* (a) The sale price for any such project shall be established by the Commissioner of FPHA. Any such project sold to a local housing authority shall be eligible for loans and annual contributions in accordance with the provisions of the United States Housing Act of 1937, as amended, and the established policies of FPHA.

(b) Pending the sale of any such project, FPHA may lease such project to a local housing authority for the purpose of providing low-rent housing in accordance with the provisions of the United States Housing Act of 1937, as amended.

§ 703.17 *Reports.* (a) Periodic reports shall be made to the Administrator by FPHA on the progress of disposition under this regulation.

JOHN B. BLANFORD, Jr.,
Administrator.

[F. R. Doc. 45-1108; Filed, Jan. 17, 1945; 1:04 p. m.]

[NHA Reg. 60-13]

PART 703—PUBLIC WAR HOUSING

DISPOSITION OF PERMANENT FEDERALLY OWNED WAR HOUSING PROJECTS

Disposition of permanent federally owned war housing projects developed under Public Laws 849 (Lanham Act) and 781 (76th Congress) and Public Laws 9, 73 and 353 (77th Congress).

Sec.
703.20 Purpose.
703.21 General policy.
703.22 Terms and conditions of sale.
703.23 Reports.

AUTHORITY: §§ 703.20 to 703.23, inclusive, issued under 55 Stat. 838; E.O. 9070, 3 CFR Cum. Supp.; 54 Stat. 1125 as amended; 54 Stat. 872, 883 as amended; 55 Stat. 14; 55 Stat. 197, 198; and 55 Stat. 810, 818.

§ 703.20 *Purpose.* (a) This regulation provides for the disposition of permanent war housing developed under Public Laws 849 (Lanham Act) and 781 (76th Congress) and Public Laws 9, 73, and 353 (77th Congress).

(b) The term "permanent" includes all housing developed under the above laws except projects determined "to be of a temporary character" pursuant to section 313 of the Lanham Act.

§ 703.21 *General policy.* (a) Permanent public war housing projects, or parts thereof, shall be disposed of as expeditiously as is consistent with the furtherance of the war effort and orderly demobilization.

(b) In accordance with the Lanham Act permanent war housing projects shall be sold for private residential purposes unless transferred for use by other Federal agencies or unless other uses as hereinafter provided are specifically authorized by the Congress.

(c) Where a local authority and the governing body of the community propose that a project be utilized for low-rent or other public purposes, and the FPHA concurs, the FPHA will submit the proposal to the Administrator for his consideratilon. The Administrator will determine whether the proposal is to be recommended to the Congress. The FPHA shall be responsible for consulting with local authorities and governments and for advising the Administrator of the recommendations of local authorities and the FPHA where public or low-rent use is proposed.

(d) The Office of the Administrator after consultation with Federal War Agencies, the constituent units of the National Housing Agency, and the community shall determine the time of assignment for disposition of permanent war housing.

(e) The Federal Public Housing Authority shall be responsible for the disposition of permanent war housing projects or parts thereof in accordance with assignments by the Administrator. The FPHA shall establish policies and procedures for disposition in accordance with applicable laws and this regulation.

§ 703.22 *Terms and conditions of sale.* (a) Preference shall be given to consumers, i. e., occupants or prospective occupants; among prospective occupants, veterans shall have preference. Consumers include mutual ownership corporations comprised of occupants or prospective occupants. Where not feasible to sell to consumers, sale may be to private investors.

(b) Prior to sales to consumers, prices equal to reasonable market values as established by competent appraisal shall be publicly announced: *Provided,* That advantage shall not be taken of scarcity in the market to obtain inflated prices.

Prior to sales to private investors, public notice shall be given and proposals solicited. Sales shall be consummated at prices conforming, so far as practicable to appraised value, and the highest and best offer obtainable shall be accepted unless it shall be found in the public interest to accept a lower offer.

(c) Insofar as possible, sales should be made for cash and such financing as is necessary obtained in the private financial markets. Where such financing is not available, FPHA shall be guided by local financing practice in establishing sale terms.

§ 703.23 *Reports.* (a) Periodic reports shall be made to the Administrator on the progress of the disposition under this regulation.

This regulation shall be effective January 15, 1945.

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 45-1109; Filed, Jan. 17, 1945; 1:04 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter D—Employment Taxes

[T. D. 5430]

PART 402—EMPLOYEES' TAX AND THE EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

POSTPONEMENT OF INCREASE IN RATES

Regulations 106 amended to conform to Public Law 495 (78th Congress), postponing until January 1, 1946, the increase in rates of the taxes under the Federal Insurance Contributions Act.

In order to conform Regulations 106 (26 CFR, Cum. Supp., Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), to Public Law 495 (78th Congress), approved December 16, 1944, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 402.301, relating to measure of employees' tax, the following is inserted:

PUBLIC LAW 495 (78TH CONGRESS), APPROVED DECEMBER 16, 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clauses (1), (2), (3), and (4) of section 1400 of the Federal Insurance Contributions Act (section 1400 of the Internal Revenue Code, relating to the rate of tax on employees) are amended to read as follows:

(1) With respect to wages received during the calendar years 1939, 1940, 1941, 1942, 1943, 1944, and 1945, the rate shall be 1 per centum.

(2) With respect to wages received during the calendar years 1946, 1947, and 1948, the rate shall be 2½ per centum.

(3) With respect to wages received after December 31, 1948, the rate shall be 3 per centum.

* * * * *

PAR. 2. Section 402.302, as amended by Treasury Decision 5345, approved March 14, 1944, relating to rates and computation of employees' tax, is further amended to read as follows:

§ 402.302 *Rates and computation of employees' tax.* The rates of employees' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940, 1941, 1942, 1943, 1944, and 1945	1
For the calendar years 1946, 1947, and 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employees' tax is computed by applying the wages received by the employee the rate in effect at the time such wages are received.

Example. During 1945 A is an employee of B and is engaged in the performance of services which constitute employment (see § 402.203). In the following year, 1946, A receives from B $1,000 as remuneration for services performed by A in the preceding year. The tax is payable at the 2½ percent rate in effect for the calendar year 1946 (the year in which the wages are received), and not at the 1 percent rate which is in effect for the calendar year 1945 (the year in which the services were performed).

PAR. 3. Immediately preceding § 402.401, relating to measure of employers' tax, the following is inserted:

PUBLIC LAW 495 (78TH CONGRESS), APPROVED DECEMBER 16, 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

* * * * *

(b) Clauses (1), (2), (3), and (4) of section 1410 of the Federal Insurance Contributions Act (section 1410 of the Internal Revenue Code, relating to the rate of tax on employers) are amended to read as follows:

(1) With respect to wages paid during the calendar years 1939, 1940, 1941, 1942, 1943, 1944, and 1945, the rate shall be 1 per centum.

(2) With respect to wages paid during the calendar years 1946, 1947, and 1948, the rate shall be 2½ per centum.

(3) With respect to wages paid after December 31, 1948, the rate shall be 3 per centum.

PAR. 4. Section 402.402, as amended by Treasury Decision 5345, relating to rates and computation of employers' tax, is further amended to read as follows:

§ 402.402 *Rates and computation of employers' tax.* The rates of employers' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940, 1941, 1942, 1943, 1944, and 1945	1
For the calendar years 1946, 1947, and 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employers' tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

PAR. 5. The last paragraph of § 402.705, as amended by Treasury Decision 5345, relating to special refunds of employees' tax on wages over $3,000, is further amended to read as follows:

Example. Employee A receives taxable wages in the amount of $2,000 from each of his employers, X, Y, and Z, for services performed during the calendar year 1945, or a total of $6,000 for such year. The first $2,000 of such wages is paid during the calendar year 1945 by employer X, who deducts employees' tax in the amount of $20 from A's wages and pays such tax to the collector. The second $2,000 of such wages is paid during the calendar year 1945 by employer Y, who pays employees' tax in the amount of $20 to the collector without deducting such tax from A's wages. Employer Z pays $1,000 of such wages to A during the calendar year 1945 and $1,000 during the calendar year 1946. The rate of such tax for the year 1945 is 1 percent and the rate for 1946 is 2½ percent. Employer Z deducts employees' tax in the amount of $35 from such wages ($10 during 1945 and $25 during 1946) and pays such tax to the collector. Thus, employees' tax in the total amount of $55 is deducted from A's wages and paid to a collector. The amount of employees' tax with respect to the first $3,000 of such wages is $30. A may file a claim for refund of $25.

(Sec. 1429, I. R. C. (53 Stat. 178; 26 U.S.C., 1429), and Pub. Law 495 (78th Cong.), approved December 16, 1944)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: January 17, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-1140; Filed, Jan. 18, 1945; 11:39 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 23, Amdt. 8]

PART 602—GENERAL ORDERS AND DIRECTIVES

BITUMINOUS COAL DISTRIBUTION IN U. S.

Because of changes in the supply of and the requirements for bituminous coal, it is deemed necessary and appropriate in the public interest to amend SFAW Regulation No. 23 in the following respects:

1. Section 602.506 is amended to read as follows:

§ 602.506 *How shipments are to be made when supply is insufficient*—(a) *Orders subject to preference.* If you are a shipper of coal and you do not have sufficient coal to meet all orders entitled to equal preference under this regulation, you shall, to the maximum extent practicable, prorate your available supply, without discrimination, among all orders entitled to that preference. However, if at any time you are unable to meet all orders for by-product or other special purpose coal produced in Districts 1–4, inclusive, 6–11, inclusive, or 13, which are subject to preference under § 602.502 of this regulation, you shall make shipments of such coal on orders from those industrial consumers using coal for by-product or other special purposes who have less than 15 days' supply of coal on hand.

(b) *Orders to industrial consumers.* If, after you have arranged to meet all orders entitled to a preference under this regulation, you are at any time unable to meet all orders of industrial consumers, you shall accord a preference in making shipment to those industrial consumers regularly served by you who have less than 15 days' supply of coal on hand.

2. Section 602.507 is amended to read as follows:

§ 602.507 *Prohibition against shipments contrary to this regulation*—(a) *General prohibition.* If you are a shipper of coal, you are prohibited from shipping any coal to any person who is not entitled to receive such coal.

If you are a shipper of coal produced in Districts 1–4, inclusive, 6–11, inclusive, or 13, you are prohibited during any month commencing February 1, 1945, from shipping to any industrial consumer an amount of coal which, when added to the receipts of the consumer from all other sources, would exceed the percentage of the consumer's monthly consumption requirements indicated in § 602.517 of this part.

(b) *January shipments.* If you are a shipper of coal produced in Districts 1–4, inclusive, 6–8, inclusive, or 13, the maximum amount of coal which you may ship during the remainder of the month of January 1945 shall be determined by applying the percentage of the consumer's monthly consumption requirements permitted in § 602.517 of this part (based upon the consumer's estimated days' supply as of January 1, 1945) to that portion of the orders of the consumer placed with you for January delivery which remains unfilled as of the effective date of this amendment.

3. Section 602.509 is amended to read as follows:

§ 602.509 *Shipments of surplus coal.* If you are a producer and if, after you have received orders filed pursuant to § 602.514 of this part you do not have adequate orders for your anticipated production for the succeeding month, you shall report to the Area Distribution Manager for your producing district before the first day of that month the amount of such surplus tonnage, by sizes, which you expect to have available. If at any other time a similar condition arises, you shall immediately make a similar report. You are prohibited from shipping surplus coal to any person not entitled to receive it under this regulation until you have first obtained the written approval of the Area Distribution Manager for your producing district. Where circumstances require, the Area Distribution Manager may give oral approval to ship surplus coal but he shall immediately thereafter confirm the arrangement in writing.

If at any time curtailment of production at your mine is threatened because of lack of orders for your coal, you should immediately report this situation to the Area Distribution Manager for your producing district.

4. Section 602.514 (a) is amended to read as follows:

§ 602.514 *When orders must be filed and what they must contain*—(a) *Industrial consumers generally.* If you are an industrial consumer, you are prohibited from receiving any coal (other than "surplus coal" offered by a producer pursuant to § 602.509) produced in any district, except District 5, under any order, unless you file such order with your supplier on or before the 24th day of the calendar month preceding the month of shipment.

You are not permitted to receive any coal pursuant to any order, unless the order, or confirmation of the order, contains, or is amended to contain, the following information:

(1) Separately, by uses, the specific number of tons ordered from your supplier.

(2) Separately, by uses, your estimated days' supply (calculated as set forth in § 602.513 of this part) as of the last day of the calendar month during which the order is placed.

(3) Separately, by uses, your monthly consumption requirements (calculated as set forth in § 602.513 of this part).

(4) Separately, by uses, and groups of districts, the total tonnage of coal you have ordered from all suppliers for delivery to you from each group of districts during the same calendar month. Districts 9, 10 and 11 are to be reported as Group A; Districts 1–4, inclusive, 6 and 13 are to be reported as Group B; Districts 7 and 8 are to be reported as Group C; and all other districts and Canada are to be reported as Group D.

(5) A statement on the order or confirmation of the order, certifying that the consumer is entitled under this regulation to receive the amount of coal ordered and that he has not placed any other order for coal except as permitted by § 602.517. (If the consumer desires to obtain surplus coal, when available under § 602.509, he shall indicate the amount of such coal separately on the order or confirmation of the order.)

(6) A statement on the order, or confirmation of the order that the above information is correct.

5. Section 602.517 is amended to read as follows:

§ 602.517 *Restrictions on receipts by industrial consumers of coal other than by-product and special purpose coal, and other than coal moving via the Great Lakes or ex-lake dock*—(a) *Provisions applicable to surplus coal.* Notwithstanding other provisions of this section, industrial consumers are permitted to receive surplus coal which a producer may ship in accordance with § 602.509 of this part. Industrial consumers desiring to obtain surplus coal should so indicate in their orders filed pursuant to § 602.514 (a) (5) of this part.

(b) *Restrictions on receipts by industrial consumers of coal produced in Districts 1, 2, 3, 4, 6, and 13 and high volatile coal produced in Districts 7 or 8.* If you are an industrial consumer, you are prohibited from receiving during any calendar month any coal produced in Districts 1, 2, 3, 4, 6, and 13, or in any such districts, or any high volatile coal produced in Districts 7 and 8,[1] in amounts greater than those shown on the Stock Limitation Table set forth below. The table operates as follows:

Column 1 indicates the industrial consumer's estimated days' supply, as calculated pursuant to the provisions of § 602.513.

Column 2 indicates the maximum percentage of monthly consumption requirements, calculated pursuant to § 602.513 which may be obtained by industrial consumers engaged in the production of gas commercially distributed for domestic or industrial use, except consumers receiving coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 3 indicates the maximum percentage of monthly consumption requirements which may be obtained by industrial consumers engaged in the production of gas commercially distributed for domestic or industrial use, and who receive coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 4 indicates the maximum percentage of monthly consumption requirements which may be obtained by public utilities

[1] The designation of mines contained in the Minimum Price Schedules of the former Bituminous Coal Division shall be the basis for determining whether coal is low or high volatile coal within the meaning of this regulation.

(other than gas plants subject to columns 2 or 3) except public utilities receiving coal shipped by tidewater and consigned directly to the public utility at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 5 indicates the maximum percentage of monthly consumption requirements which may be obtained by public utilities (other than gas plants subject to columns 2 or 3) who receive coal shipped by tidewater and consigned directly to the public utility at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 6 indicates the maximum percentage of monthly consumption requirements which may be obtained by industrial consumers (including railroads, and by-product plants other than those subject to columns 2–5, inclusive) except consumers receiving coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 7 indicates the maximum percentage of monthly consumption requirements which may be obtained by industrial consumers (including railroad and by-product plants other than those subject to columns 2–5, inclusive) who received coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

STOCK LIMITATION TABLE FOR ALL COAL PRODUCED IN DISTRICTS 1, 2, 3, 4, 6, AND 13 AND HIGH VOLATILE COAL PRODUCED IN DISTRICTS 7 AND 8

Days' supply	Maximum percentage of monthly consumption requirements					
	Commercial gas plants		Public utilities		All others	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
Less than 15 days	110	110	110	110	110	110
15 to 19 days	110	110	110	110	105	110
20 days	105	110	110	110	100	105
21 to 25 days	105	110	105	110	[5]	105
26 to 29 days	105	110	105	110	[5]	105
30 days	100	105	105	105	[5]	100
31 to 34 days	[1]	105	105	105	[5]	[6]
35 days	[1]	105	100	105	50	[6]
36 to 39 days	[1]	105	[3]	105	50	[6]
40 days	[1]	100	[3]	105	50	[6]
41 to 44 days	[1]	[2]	[3]	105	50	[6]
45 days	50	[2]	[3]	100	50	50
46 to 50 days	50	[2]	[3]	[4]	50	50
51 to 55 days	50	[2]	50	[4]	50	50
56 to 60 days	50	50	50	[4]	50	50
61 days or more	50	50	50	50	50	50

[1] An amount of coal not in excess of that required to reduce the consumer's stockpile to a 30 days' supply by the end of the month for which the coal is ordered.

[2] An amount of coal not in excess of that required to reduce the consumer's stockpile to a 40 days' supply by the end of the month for which the coal is ordered.

[3] An amount of coal not in excess of that required to reduce the consumer's stockpile to a 35 days' supply by the end of the month for which the coal is ordered.

[4] An amount of coal not in excess of that required to reduce the consumer's stockpile to a 45 days' supply by the end of the month for which the coal is ordered.

[5] An amount of coal not in excess of that required to reduce the consumer's stockpile to a 20 days' supply by the end of the month for which the coal is ordered.

[6] An amount of coal not in excess of that required to reduce the consumer's stockpile to a 30 days' supply by the end of the month for which the coal is ordered.

(c) *Restrictions on receipts by industrial consumers of low volatile coal produced in Districts 7 and 8.* If you are an industrial consumer, you are prohibited from receiving during any calendar month any low volatile coal produced in District 7 or 8[1] in amounts greater than those shown in the Stock Limitation Table set forth below. The table operates as follows:

Column 1 indicates the industrial consumer's estimated days' supply, as calculated pursuant to the provisions of § 602.513.

Column 2 indicates the maximum percentage of monthly consumption requirements, calculated pursuant to § 602.513, which may be obtained by industrial consumers (including commercial gas plants) using "by-product coal," as defined in § 602.501 (b) of this part, and railroads—except any such consumer receiving coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 3 indicates the maximum percentage of monthly consumption requirements, which may be obtained by industrial consumers (including commercial gas plants) using "by-product coal" as defined in § 602.501 (b) of this part, and railroads—who receive coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 4 indicates the maximum percentage of monthly consumption requirements which may be obtained by public utilities (other than those subject to Columns 2 or 3) except public utilities receiving coal shipped by tidewater and consigned directly to the public utility at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 5 indicates the maximum percentage of monthly consumption requirements which may be obtained by public utilities (other than those subject to Columns 2 or 3) who receive coal shipped by tidewater and consigned directly to the public utility at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 6 indicates the maximum percentage of monthly consumption requirements which may be obtained by industrial consumers (other than consumers subject to Columns 2–5, inclusive) except industrial consumers receiving coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 7 indicates the maximum percentage of monthly consumption requirements which may be obtained by industrial consumers (other than those consumers subject to Columns 2–5, inclusive) who receive coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

[1] The designation of mines contained in the Minimum Price Schedules of the former Bituminous Coal Division shall be the basis for determining whether coal is low or high volatile coal within the meaning of this regulation.

STOCK LIMITATION TABLE FOR LOW VOLATILE COAL PRODUCED IN DISTRICTS 7 AND 8

Days' supply	Maximum percentage of monthly consumption requirements					
	Railroads and consumers of by-product coal		Public utilities		All others	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
Less than 15 days	110	110	110	110	105	110
15 days	110	110	110	110	100	110
16 to 19 days	105	110	105	110	[3]	105
20 days	100	105	105	110	[5]	105
21 to 24 days	[1]	105	105	105	[3]	105
25 days	[1]	105	100	105	[5]	100
26 to 29 days	[1]	105	[3]	105	[3]	[6]
30 days	[1]	100	[3]	105	50	[6]
31 to 34 days	[1]	[2]	[3]	105	50	[6]
35 days	50	[2]	[4]	100	50	[6]
36 to 40 days	50	[2]	[3]	[4]	50	[6]
41 to 45 days	50	[2]	50	[4]	50	50
46 to 50 days	50	50	50	[4]	50	50
51 days or more	50	50	50	50	50	50

[1] An amount of coal not in excess of that required to reduce the consumer's coal on hand to a 20 days' supply by the end of the month for which the coal is ordered.

[2] An amount of coal not in excess of that required to reduce the consumer's coal on hand to a 30 days' supply by the end of the month for which the coal is ordered.

[3] An amount of coal not in excess of that required to reduce the consumer's coal on hand to a 25 days' supply by the end of the month for which the coal is ordered.

[4] An amount of coal not in excess of that required to reduce the consumer's coal on hand to a 35 days' supply by the end of the month for which the coal is ordered.

[5] An amount of coal not in excess of that required to reduce the consumer's coal on hand to a 15 days' supply by the end of the month for which the coal is ordered.

[6] An amount of coal not in excess of that required to reduce the consumer's coal on hand to a 25 days' supply by the end of the month for which the coal is ordered.

(d) *Restrictions on receipts by industrial consumers of coal produced in Districts 9, 10 and 11.* If you are an industrial consumer, you are prohibited from receiving during any calendar month coal produced in Districts 9, 10, and 11, or in any such districts, in amounts greater than those shown on the Stock Limitation Table set forth below. The table operates as follows:

Column 1 indicates the industrial consumer's estimated days' supply as calculated pursuant to the provisions of § 602.513.

Column 2 indicates the maximum percentage of monthly consumption requirements, calculated pursuant to § 602.513, which may be obtained by any industrial consumer.

STOCK LIMITATION TABLE FOR COAL PRODUCED IN DISTRICTS 9, 10 AND 11

Days' Supply (Column 1)	*Maximum Percentage of Monthly Consumption Requirements (Column 2)*
Less than 21 days	100
21 to 39 days	[1] 85
40 to 90 days	70
91 days and over	50

[1] Industrial consumers having 20 to 24 days' supply may order, in accordance with § 602.514 of this part, an amount of coal which will enable them to have on hand a 20 days' supply by the end of the month for which the coal is ordered.

No railroad system shall receive any coal for railroad locomotive fuel use produced in Districts 9, 10 or 11 unless it receives or indicates its willingness to receive railroad locomotive fuel containing up to 15 per cent of 1½" or 1¼" screenings, as and if offered by the shipper. Shippers are not permitted in applying this provision to discriminate between or among their railroad customers but must treat all on an equal basis.

(e) *No restrictions on receipts by industrial consumers of coal produced in Districts 5, 12, 14–23, inclusive and Canada.* If you are an industrial consumer, you are not presently restricted in the amount of coal which you may receive from Districts 5, 12, 14–23, inclusive, and Canada.

NOTE: Coal produced in these districts shall be included in calculated days' supply under § 602.513 of this part.

(f) *Restrictions on receipts by industrial consumers of coal produced in more than one district.* You will note that under this section more stringent restrictions are imposed on receipts of coal produced in some districts than in others. If you are an industrial consumer receiving coal from any two districts having different restrictions, you are prohibited from receiving more coal in the aggregate during any calendar month than you may receive under this regulation from the more liberal district from which you buy. Moreover, you are prohibited from receiving during any calendar month more coal from the less liberal district from which you buy than you would be permitted to receive if you bought coal only from that district.

If you receive coal from three districts having different restrictions, you are prohibited from receiving more coal in the aggregate during any calendar month than you may receive under this regulation from the most liberal district from which you buy; you may not receive from the least liberal district more coal than you would be permitted to receive if you bought only from that district; and you may not receive from the next most liberal district an amount of coal greater than the difference between the amount you are permitted to receive from that district and the amount you are permitted to receive from the least liberal district.

If you order coal for a railroad system and compute separately the days' supply of coal produced in districts included in Groups B and C, and the days' supply of coal produced in districts included in Groups A and D, as permitted under § 602.513 of this regulation, you are prohibited from receiving, in the aggregate, during any calendar month, from districts included in Groups B and C, an amount of coal greater than your average monthly purchases of coal from such districts during January, February, March and April 1944.

6. The following section is added to SFAW Regulation No. 23:

§ 602.528 *Effect on exceptions from provisions of SFAW Regulation No. 23.* All exceptions from provisions of SFAW Regulation No. 23 granted prior to the effective date of this amendment are revoked and canceled.

This amendment supersedes the indicated sections of SFAW Regulation No. 23, the whole of Amendment No. 2 to SFAW Regulation No. 23, issued December 15, 1944, and the notice of direction to all persons shipping coal produced in Districts 1, 2, 3, 4 and 6, issued December 30, 1944; except that this shall have no effect upon civil or criminal liabilities incurred thereunder.

This amendment shall become effective immediately.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 17th day of January 1945.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 45–1139; Filed, Jan. 18, 1945; 11:26 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

SLOP CHEST; MINIMUM SPECIFICATIONS FOR VESSELS

Vessels engaged in business connected with the conduct of the war.

The Acting Secretary of the Navy having by order dated 1 October, 1942 (7 F.R. 7979), waived compliance with the Navigation and Vessel Inspection Laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war to the extent and in the manner that the Commandant, U. S. Coast Guard, shall find to be necessary in the conduct of the war; and

The War Shipping Administration having indicated that the efficient prosecution of the war would be impeded by the full application of certain laws requiring that every vessel of burden of seventy-five gross tons or upward and bound on a voyage exceeding in length fourteen days, or bound from a port on the Atlantic to a port on the Pacific, or vice versa, except vessels engaged in the whaling or fishing business, shall be provided with a slop chest containing at least one suit of woolen clothing for each seaman and a complement of clothing, boots, shoes, hats or caps, underclothing and outer clothing, oiled clothing and everything necessary for the wear of a seaman, also a full supply of tobacco and blankets;

Now, therefore, upon request of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with the Navigation and Vessel Inspection Laws administered by the U. S. Coast Guard, R.S. 4572 and Act of June 26, 1884, (46 U.S.C. 669, 670), in the case of any vessel engaged in business connected with the conduct of the war, so as to permit a vessel proceeding on a voyage to which the above sections of law apply without having on board a slop chest in full compliance with statutes: *Provided*, That such vessel is supplied with a slop chest containing at least the following items and amounts when on a voyage of 3 or 6 months period with a complement of officers, crew and armed guard of 75, and if the length of voyage and/or number of officers, crew and armed guard varies from that above, the amounts of the items shall be increased or decreased in direct proportion thereto:

Item No.	Items	Units	For 3 months	For 6 months
1	Blades, Razor, Gem Type	Pkg. 5	75	150
2	Blades, Razor, Gillette Type	Pkg. 5	75	150
3	Belts, Web, Army Type	Each	12	24
4	Boots, Rubber, ¾		6	6
5	Boots, Rubber, Knee		3	6
6	Brushes, Shaving		12	12
7	Brushes, Tooth		48	72
8	Caps, Engineers		12	24
9	Caps, Firemen		24	36
10	Caps, Watch, Wool		6	6
11	Cards, Playing		12	24
12	Cards, Pinochle		4	6
13	Coats, Dungaree		12	24
14	Coats, Khaki			
15	Coats, Oilskin, Long		6	6
16	Coats, Oilskin, Short		3	3
17	Coats, Rubber, ¾ Length		3	3
18	Cream, Shaving		48	96
19	Gloves, Leather Palm		24	48
20	Gloves, Canvas		36	48
21	Gloves, Woolen		12	18
22	Hats, Sailors, White—Middy		12	12
23	Hats, Sailors, White—Blue		6	6
24	Handkerchiefs, White		72	144
25	Handkerchiefs, Colored		36	75
26	Laces, Shoe, 27" Black	Pair	24	36
27	Melton Jackets	Each	12	12
28	Paste, Tooth		48	72
29	Razors, Gem Type	Each	6	6
30	Razors, Gillette Type	Each	6	6
31	Shirts, Blue, Chambray	Each	24	48
32	Shirts, Khaki	Each	24	48
33	Shirts, Wool	Each	12	24
34	Shirts, Sweat	Each	6	6
35	Shoes, Work, Low	Pair	18	24
36	Shoes, Work, High	Pair	6	6
37	Slippers, Romeo	Pair	12	24
38	Socks, Light, White	Pair	72	144
39	Socks, Light, Black	Pair	72	144
40	Socks, Heavy, Wool	Pair	24	36
41	Socks, Heavy, Boot	Pair	12	12
42	Sou'westers	Each	6	12
43	Suits, Oilskins	Each	6	12
44	Sweaters, Turtleneck	Each	6	6
45	Trousers, Cooks	Pair	3	3
46	Trousers, Dungaree	Pair	12	24
47	Trousers, Khaki	Pair	12	24
48	Trousers, Oilskin	Pair	6	6
49	Undershirts, Light		84	144
50	Undershirts, Heavy		12	24
51	Underdrawers, Light		36	72
52	Underdrawers, Heavy		12	24

1 carton per man per week (cigarettes): (13 weeks—3 months) (26 weeks—6 months):

		For 3 months	*For 6 months*
Cigarettes, total various brands: Cartons		1,100	2,200.
Tobacco, total various brands:	(2 oz.) (8 oz.)	60 halves	122 half lb. tins.
Chewing: cuts		6 lbs	
Bull Durham: sacks		96	
Snuff: tins		24	36.
Papers, cigarette: Books		24	48.
Pipes, corncob		24	24.

Cigarettes: 1 carton per week per man plus 10%.
Tobacco: ½ oz. per week per man.

Dated: January 16, 1945.

R. R. WAESCHE,
Vice Admiral, USCG,
Commandant.

[F. R. Doc. 45–1064; Filed, Jan. 17, 1945; 10:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1157—CONSTRUCTION MACHINERY

[Limitation Order L–192, as Amended Jan. 17, 1945]

CONSTRUCTION MACHINERY AND EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of materials used in the production of construction machinery and equipment and repair parts; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.10 *Limitation Order L–192*—(a) *What this order does.* This order regulates the production and delivery of construction equipment and certain repair parts. The items of equipment covered by the order are listed in Schedules A and B. The order provides for scheduling the production and delivery of Schedule A equipment and prohibits sales and deliveries of Schedule A equipment except upon specific authorization of the War Production Board. With respect to Schedule B equipment, the order provides for the control of total production. Critical repair parts are to be allocated by producers on a proporfional basis.

(b) *Definitions.* For the purpose of this order:

(1) "Producer" means any person engaged in the manufacture of equipment.

(2) "Equipment" means that construction machinery and equipment listed in Schedules A and B attached hereto but not any equipment on rubber tired chassis or running gear built for or usable for the transportation of commodities or persons.

(3) "New", when applied to equipment, means any equipment which has never been delivered to and put into regular use by a person acquiring it for use. However, new equipment does not include any surplus equipment which has been purchased from a disposal agency of the United States Government.

(4) "Repair part" means any part manufactured for use in the repair and maintenance of equipment; but does not include components or attachments which change the functional operations of the equipment as originally shipped.

(5) "War agency" means the Army, Navy, Maritime Commission, War Shipping Administration, Veterans' Administration, and the military forces of any foreign country entitled to receive deliveries pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) "United States" means the United States of America and its territories and possessions.

(7) "Supplier" means any producer, dealer or distributor engaged in the business of selling equipment or repair parts.

(8) "Dealer or distributor" means any person who is engaged in the business of purchasing equipment or repair parts for the purposes of resale.

Schedule A Equipment

(c) *Procedure for placing and receiving orders for Schedule A equipment.* (1) No person shall sell or deliver any new equipment listed in Schedule A, except to a war agency, unless the purchase or delivery order is accompanied by authorization on Form WPB–1319 or by a certification as explained below. Application for such authorization and for a preference rating must be made by filing the required number of copies of Form WPB–1319 with the nearest War Production Board field office in accordance with the current instructions for the form. When a person receives authorization on Form WPB–1319 to purchase Schedule A equipment, he may give his supplier the authorization along with his purchase order, or, if he prefers, he may give the supplier a certification in substantially the following form: "Authorized under Order L–192—on Form WPB–1319, Case No._____." This certification shall constitute a representation to the War Production Board that the purchase or delivery of the Schedule A equipment ordered has been specifically authorized by the War Production Board on Form WPB–1319.

(2) A war agency shall furnish the Construction Machinery Division, War Production Board, Washington 25, D. C., with information copies of Form WPB–1319 made out in duplicate (or other written notice in duplicate) at the time that any order for such equipment is placed with a supplier.

(d) *Restrictions on production of Schedule A equipment.* Producers must not use or put into process any materials for the production or assembly of (1) any new Schedule A equipment except in accordance with such production schedules as may be approved by the War Production Board under paragraph (e), or (2) any parts to be physically incorporated into new Schedule A equipment in excess of those required by approved production schedules.

(e) *Production schedules.* On or before the 15th day of each calendar month, every producer must file on Form WPB–1689, in accordance with the instructions on the form, a statement of his production of Schedule A equipment for the previous month and his proposed production schedule of all new Schedule A equipment projected for all additional monthly periods for which production may be planned. Approval or modification of such production schedule for the period planned or for a shorter period will be indicated on an approved copy of the Form WPB–1689 returned to the producer prior to the first day of the calendar month succeeding such filing. No producer shall change his production schedules as approved or changed by the War Production Board without specific authorization of the War Production Board. When actual production in any month is less than production authorized for that month, the items not produced may be produced in any subsequent month within the same calendar quarter, unless the authorization is revoked or modified by the War Production Board. A deficiency in meeting an authorized production schedule over a whole calendar quarter may be made up only to the extent explained in paragraph (o) (2) of CMP Regulation 1. No deficiency may be shown again as planned production on any subsequent production schedule.

(f) *Prohibiting transfer and use of new equipment.* (1) On or before the 15th day of each calendar month, every producer must file on Form WPB–1689, in accordance with the instructions on the form, a statement showing his proposed delivery schedule of all unfilled orders for new Schedule A equipment, his shipments made during the calendar month previous to filing, his shipments during the current month to the date of filing, and inventory of finished items on hand at the end of the month previous to filing. Approval of a delivery schedule of all new Schedule A equipment for the calendar month succeeding such filing will be indicated on an approved copy of the form returned to the producer prior to the first day of that month, and the sequence of deliveries will remain in force whether or not the equipment is actually shipped during that month unless the schedule is subsequently changed by the War Production Board. In addition to the requirement of authorization on Form WPB–1319 for sales or deliveries under paragraph (c), no producer shall use for other than experimental or demonstration purposes, or sell or deliver any new Schedule A equipment unless the use, sale or delivery has been specifically approved by the War Production Board on Form WPB–1689.

(2) The War Production Board may at any time revoke any delivery authorization provided for in subparagraph (1) above as to any or all new Schedule A equipment included therein, direct or change the schedule for deliveries of any such equipment, allocate any order for that equipment listed on a producer's Form WPB–1689 to any other producer, or direct the delivery of any such equipment to any other person, at regularly established prices and terms.

(3) Notwithstanding any preference rating heretofore or hereafter granted,

no producer shall change his schedule of deliveries of any new Schedule A equipment as approved or changed by the War Production Board, without specific authorization of the War Production Board.

(g) [Deleted Jan. 17, 1945.]

Repair Parts

(h) *Emergency repair parts for engines.* (1) If a person needs repair parts for emergency repair of an internal combustion engine which is an integral part of his "equipment" as defined in this order, and which cannot be operated without such parts, he may file with his order to a supplier of the parts a certificate in substantially the following form:

CERTIFICATE FOR EMERGENCY REPAIR ORDER—ENGINE REPAIR PARTS UNDER L-192

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that the repair parts specified in the attached order are needed by him for the repair of the following engine for construction equipment which cannot now be operated without such parts.

Engine Make _____ Engine Number _____.

Signed _____

(Firm, partnership or corporation)

By _____

(Name and title of individual)

_____

(Address of firm, partnership or corporation)

Dated _____

A copy of the certificate must be retained by the supplier receiving it as a part of his records. The standard form of certification described in Priorities Regulation No. 7 may not be used in place of the above certificate.

(2) A supplier as defined in this order, or a producer or distributor as defined in Limitation Order L-158, who receives an order for repair parts accompanied by a Certificate for Emergency Repair as described above, must give such order precedence in shipment over other orders not of an emergency nature, and in ordering such parts from his own supplier, must indicate the quantity of the parts required to fill emergency orders of this type.

(i) [Deleted Jan. 17, 1945.]

(j) *Spares.* Orders for repair parts intended to be used as spares for new equipment listed in Schedule A must be placed with the supplier at the same time as the order for such new equipment.

(k) *Allocation of production of repair parts.* No producer shall deliver to war agencies in any one month any repair parts whatsoever in excess of 75% of his sales of that repair part during the month, if the delivery would prevent deliveries of such repair part to fill orders properly placed by other persons. Similarly, no producer shall deliver to other persons in any month more than 25% of his sales of any repair part if the delivery would prevent the filling of orders for delivery of such repair part to war agencies. "Other persons", as used in this paragraph, shall not include dealers or distributors who have ordered repair parts for their stock or inventory. A dealer or distributor, in placing a purchase order with a producer for repair parts for which he has received a customer's order that he is unable to fill out of his stock, may state on his purchase order to the producer whether the repair part is being ordered for a war agency or not. If the repair part is being ordered for a war agency, delivery by the producer on such order shall be considered a delivery to a war agency for the purpose of this paragraph. If the repair part is being ordered for a person other than a war agency, delivery by the producer on the order shall be considered a delivery to "other persons" for the purposes of this paragraph.

(l) *Filling repair parts orders upon specific direction of the War Production Board.* A producer shall, upon the specific direction of the War Production Board, make delivery of any repair part to fill any order specified in the direction.

Schedule B Equipment

(m) [Deleted Jan. 17, 1945.]

(n) *Restrictions on production of Schedule B equipment.* On or before the 15th day of August 1944, and on or before the 15th day of October, January, April and July thereafter, every producer must file on Form WPB-1689, in accordance with the instructions on the form, a statement of his deliveries of new Schedule B equipment for the previous three months and his proposed production of all new Schedule B equipment for all succeeding calendar quarters for which production may be planned. Approval or modification of the quantity of such equipment to be produced in the calendar quarter succeeding such filing or for a longer period will be indicated on a copy of the Form WPB-1689 returned to the producer prior to the first day of the calendar month succeeding such filing. A producer must not during any period produce more units of any type of Schedule B equipment than the quantity approved for that period by the War Production Board of Form WPB-1689 without a specific authorization from the War Production Board. When actual production in any calendar quarter is less than production authorized for that quarter, the deficiency may be made up only to the extent explained in paragraph (o) (2) of CMP Regulation 1. No deficiency may be shown again as planned production on any subsequent production schedule. Production schedules of Schedule B equipment are not "frozen schedules" under Priorities Regulation 18.

(o) [Deleted Jan. 17, 1945.]

(p) [Deleted Jan. 17, 1945.]

(q) [Deleted Jan. 17, 1945.]

Miscellaneous Provisions

(r) *Production authorizations.* (1) Production will be authorized so that labor requirements therefor in any one plant will not interfere with war production in that plant or in any other plant located in the same area.

(2) In approving a producer's total production of equipment for delivery to persons other than war agencies, the War Production Board may, with respect to any particular type of equipment, take into consideration the producer's total production of that type of equipment during the years 1937–1941 so that each producer will get approximately his proportion of the total non-military production of the industry on the basis of his production during the years 1937–1941. In addition, the War Production Board will take into consideration, among other factors, the availability of materials and components.

(s) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repair parts, no producer shall use any alloy steel, stainless steel, copper, brass, bronze, nickel, tin or cadmium, where the use of other less critical materials will not impair the efficiency of operation of such item.

(t) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(u) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(v) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter should be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(w) *Communications.* All communications concerning this order, except where specific reference is made herein to the contrary, shall be addressed to Construction Machinery Division, War Production Board, Washington 25, D. C., Ref: L-192.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of January 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Angledozers, bulldozers and modifications thereof (for mounting on tractors of more than 25 drawbar H. P.).
Cranes, attachments for tractor mounting.
Cranes, crawler and rubber-tired mounted power, and modifications thereof, except freight handling lift trucks.
Crushers, Jaw (sizes 9" x 14" to 30" x 44" openings, inclusive); except those sizes of a type designed exclusively for mining and smelting.
Crushers, roll, construction aggregates, portable type.
Crushing plants, portable type.
Ditchers, ladder and wheel types:
Draglines, walking type (see also cranes).
Dredges and dredge equipment, except mining.
Drilling machines, portable water well and blast hole drills, churn drill type.
Dryers, construction aggregates.
Earth boring machines, vertical auger type (except post hole diggers).
Finishers, bituminous paving.
Graders, earth moving (motor, blade and elevating types).
Heaters and circulators, tank car.
Loaders, portable bucket (other than drag, flight or scraper type coal conveyors).
Loaders, portable snow.
Maintainers, road (complete machines).
Plants, asphalt, including travel mix type.
Plants, bituminous patch, hot or cold mix type (more than 10 tons per hour capacity).
Power control units, attachments for tractor mounting (both cable and hydraulic).
Rollers, road (pneumatic tired, portable, tandem and three wheeled types).
Scrapers, carrying and hauling, both drawn and self-propelled (except those under 2 cubic yards struck capacity).
Shovels, attachments for tractor mounting.
Shovels, crawler and rubber-tired mounted power, and modifications thereof.
Sweepers, motor pick-up, traction driven or engine driven.
Winches, attachments for tractor mounting.

SCHEDULE B

Angledozers, bulldozers and modifications thereof (for mounting on tractors of 25 drawbar H. P. or less).
Backfill tampers.
Batchers, construction material.
Batching plants, construction type.
Bins, construction material.
Breakers, paving.
Brooms, rotary, attachments for tractor or truck mounting.
Buckets, clamshell, concrete, dragline and orange peel.[1]
Buckets, scraper (bottomless for dragline operation).[1]
Buggies and carts, concrete.
Bulk cement handling plants.
Cement guns.
Chutes, concrete handling.
Clay diggers.
Concrete surfacing machines.
Conveyors, construction material, portable belt type and for portable plants.
Derricks, contractors and material handling, stiff leg, guy, pole, tripod, and setter types.
Discs, road, wheel mounted and harrow type for construction work.
Distributors, bituminous.
Distributors, water (street sprinklers and flushers.
Ditchers, blade.
Draglines, slack line.
Drilling machines, rock, and modifications thereof (except electric coal and core drills).
Finegraders and subgraders (drawn and self propelled types).
Finishers and rodding machines for wet concrete.
Finishers, concrete paving.
Form tamping and pulling machines.
Forms, concrete road.
Graders, under truck type.
Grapples, rock type.
Hammers, pile.
Heaters, asphalt surface and concrete mixer types.
Hoists, contractors and material handling.
Hoppers, portable concrete.
Jacks, mud.
Joint and crack filling machines.
Joint levellers.
Kettles, bituminous heating.
Logging arches, tractor drawn.
Mixers, aggregate pulverizer.
Mixers, concrete construction.
Mixers, concrete truck or agitator type (with or without elevating towers).
Mixers, plaster and mortar.
Pavers, concrete.
Plants, bituminous patch, hot or cold mix type (10 ton per hour capacity and under).
Plants, soil stabilizing.
Plows, cable laying.
Plows, snow (rotary blower types).
Plows, snow (V and blade types), attachments for truck, grader, or tractor mounting.
Pumps, concrete (except for well cementing).
Pumps (portable engine or electric-motor-driven pumping units, mounted on skids, with or without handles or trailer mounted): self-priming centrifugal pumps, plunger pumps, diaphragm pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractor's purposes or by contractors for dewatering and supply (excluding farm type, industrial type and underwriters approved fire fighting pumps).
Rippers, road.
Rollers, tamping and sheepsfoot.
Scrapers, carrying and hauling, both drawn and self-propelled, under 2 cubic yards struck capacity.
Scrapers, drag, fresno, and rotary over one cubic yard capacity (except those under Order L-257 or Order L-257-a).
Scarifiers (complete machines).
Screens, rotary, vibrator and gravity types (other than coal mining, industrial or those for screening mud on well drilling), used as a component part of or replacement for a portable crushing, screening or washing plant.
Screening plants, portable type.
Sprayers (maintenance units), bituminous material.
Spreaders, concrete paving.
Spreaders, construction material.
Towers, concrete placing and material elevating.
Vibrators, concrete.
Wagons, crawler trailer (contractors, logging, cane, etc.).
Wagons, logging (wheel type).
Washing and screening plants, portable type.
Wellpoint systems.
Wheels, crawler trailer (complete assemblies).
Winches, contractors (see Hoists).

SCHEDULE D

NOTE: Schedule D deleted Jan. 17, 1945.

[F. R. Doc. 45-1121; Filed, Jan. 17, 1945; 4:43 p. m.]

[1] This item may be purchased as a repair part if it is being purchased to replace a similar item that is worn out.

PART 3270—CONTAINERS

[Limitation Order L-197, as Amended Jan. 18, 1945]

STEEL SHIPPING DRUMS

§ 3270.15 *Limitation Order L-197*—(a) *Definitions.* For the purpose of this order:

(1) "Drum" means any single-walled cylindrical or bilged container with a capacity of 132 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. It does not include cans as defined in Order M-81, high or low pressure gas steel cylinders, storage tanks, or any container not usable commercially for transporting commodities.

(2) "Used drum" means any drum which has been used for shipping, storage or intra-plant transfer of products. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(3) "New drum" means any drum which is not a used drum and includes rejects or seconds.

(4) "Reject or second" means any newly manufactured drum which cannot be used for the purpose for which it was intended due to some defect in it.

(5) "Industrial order" means any purchase order for or contract to buy a commodity except one placed by, or to be shipped directly to the Army, Navy, Aircraft Resources Control Office, Maritime Commission or War Shipping Administration, or one placed by any United States Government Agency when operating under Lend-Lease.

(6) "Class of Commodity" means any one of the numbered items listed in Schedule A.

Restriction on New Drums

(b) *Restriction against manufacture, sale or delivery.* No person shall manufacture, sell or deliver any new drums which he has reason to believe will be accepted or used in violation of the terms of this order.

(c) *Restriction against acceptance or use.* (1) Except as provided in paragraphs (c) (2) and (c) (3) below, no person shall accept delivery of or use a new drum for packing any commodity listed in Schedule B to fill an industrial order. Where a specific commodity is listed in Schedule N, the restrictions of this paragraph apply even though the general class under which the commodity may be included has a quota under Schedule A.

(2) The above restriction shall not apply to a person who has received a license from the Foreign Economic Administration for the export of the commodity to be packed in drums to the extent of the license granted.

(3) Notwithstanding the above restriction, a person may accept on or before March 31, 1945, new drums having a capacity of over twelve gallons, and use such drums at any time for packing any of the commodiites listed on Schedule B as Items 26, 29, 32, 42, 44, 47, 54, 89 and 90 to fill industrial orders: *Provided,* That the total weight of such new drums (including those received pursuant to Direction 2 to this order, now revoked) accepted for delivery and so used to pack each of the above specified commodities shall not exceed 41⅔ per cent of the total weight of new drums of any capacity used by such person to pack the same commodity to fill industrial orders in the year 1941. These new drums, which are permitted by this paragraph for packing any of the above specified commodities, shall not be charged against a person's quota of new drums allowed to him to pack each of the applicable classes of commodities listed on Schedule A as provided in paragraph (d).

(d) *Quota restrictions.* (1) No person shall during any calendar quarter use a greater tonnage of new drums for the packing of any class of commodities listed in Schedule A for industrial orders than (i) 95% of the tonnage of new drums used by him for packing that class of commodities for industrial orders in the corresponding quarter of 1943, or (ii) 23¾% of the tonnage of new drums used by him for packing that class of commodities for industrial order during the year 1943. A person may not change his method of computing his packing quotas for a class of commodities in the course of any calendar year. However, a person may during the first calendar quarter of 1945 exceed his packing quota: *Provided,* That the total tonnage of new drums used during that quarter for packing any class of commodities listed in Schedule A for filling industrial orders shall not exceed the total tonnage of new drums that he was legally permitted to use for the same purpose during the fourth quarter of 1944 under this order as amended July 28, 1944 (including whatever tonnage increases were granted by the War Production Board for the fourth quarter of 1944 but excluding any new drums he was permitted to use to pack the commodities listed in Schedule B).

(2) Where a commodity is listed in Schedule A with a quota based on previous packing in fibre drums during 1943, any person who packed the commodity in fibre drums during 1943 may, in any calendar year, pack in new steel drums the designated percentage of the quantity of that commodity that he packed in fibre drums in 1943 in addition to any packing quota for that class of commodity provided for in paragraph (d) (1) above.

(3) No person shall use more new drums for purposes other than packing commodities (such as drums to be used entirely within the plant or installed as integral parts of other equipment) than he used for the same purpose in the corresponding quarter of 1943.

(4) Any person who wants to establish a quota or to obtain an adjustment of any quota provided for in this order, may file application for authorization on Form WPB–3770 in quadruplicate, with the War Production Board. Such applications will be considered on an equitable basis in view of the quantities of steel drums distributed to other persons in the industry. Authorizations will not be dependent upon whether the applicant used steel drums during any previous period.

(5) No person shall use any part of a quota given to him to pack one class of commodities to pack another class of commodities.

(6) Any person who has any part of his packing quota for a class of commodities left over from one calendar quarter may use it to pack that class of commodities in the next calendar quarter. He may also borrow up to 25% of the next quarter's quota for that purpose.

(7) The quota restrictions in this order shall apply to all new drums used for packing commodities for industrial orders beginning with May 15, 1944. For the period from May 15, 1944 to July 1, 1944, a person's quota based on usage of steel drums under paragraph (d) (1) shall be one-half of what his quota would have been for the second quarter of 1944 under the terms of this order. For the period from May 15, 1944 to December 31, 1944, a person's quota based on usage of fibre drums under paragraph (d) (4) shall be five-eighths of what it would have been for the calendar year of 1944 under the terms of this order. All authorizations issued prior to May 27, 1944, shall be null and void after May 27, 1944, when the quota restrictions go into effect.

(8) Whenever a quota is given to a person based on use of new drums for packing a product, the quota shall belong to the person who owned the drums (steel or fibre) whether he packed them himself or had someone pack them for him. A person who packed drums in the base period owned by someone else does not have a quota based on packing those drums as that quota belongs to the person who owned the drums and for whose account the packing was done. An exception to this rule as to quota is made in the case of foreign petroleum operators operating under authorization from The Petroleum Administration for War on Form WPB 743. The quota in such cases shall belong to the person who obtained the authorization for the drums for export under that form, and the person who packs for him, whether he buys the drums or not, shall not be entitled to a quota based upon such packing.

A person who has a quota under the provisions of this paragraph may either pack the commodity himself or have someone else pack it for him. When someone else packs it for him, it shall be chargeable to his quota and not to the quota of the person who packs it for him. a person who packs a commodity for an other, to be charged against the latter's quota, must receive a statement from such person that the packing of that commodity is within his quota under the order.

(e) *Inventory restrictions.* No person shall, at any time, accept delivery of any new drum which will increase his total inventory of that type or size of new drum to more than his requirements for the following sixty-day period or will increase his total inventory of all types and sizes of new drums to more than one and one-half carloads, whichever is the greater. This restriction does not apply to the Army, Navy, Aircraft Resources Control Office, Maritime Commission or War Shipping Administration.

Restrictions on Used Drums

(f) *Prohibition on use.* No person shall pack in used drums for industrial orders a commodity which is listed in Schedule B without an asterisk. This restriction shall not apply to a person who has received a license from the Foreign Economic Administration for the export of the commodity to be packed in used drums to the extent of the license granted. Any other commodity not appearing on Schedule B or listed there with an asterisk may be packed in used drums without limitation.

(g) *Prohibition on sale or delivery.* No person shall sell or deliver any used drum which he knows or has reason to believe will be accepted or used in violation of the terms of this order.

(h) *Restrictions.* (1) No person shall sell or deliver any empty drum which was packed with an edible product the last time it was used, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing inedible products.

(2) No person shall sell or deliver any empty drums which were packed with a naval store product the last time it was used, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing anything other than naval store products. Naval store products as used in this paragraph means those materials which are directly derived from the oleo-resinous secretions of various species of coniferous trees; the term includes resins and liquid terpines, both crude and refined, special materials derived from these and such related products as tall oil and pine tars.

(i) *Exceptions.* Nothing in this order shall apply to the use of used drums (1) for storage purposes by any person having less than five drums in use for all purposes or (2) constructed wholly of lighter than 23 gauge steel.

(j) *Exception for packing molasses.* Notwithstanding the fact that molasses appears without an asterisk on Schedule B, packers of molasses may pack it in used steel drums owned by a farmer and packed on his order for his use for ensilage. The packer may rely upon a signed statement by the purchaser that he is a farmer, that he owns the steel drum which is to be filled and that the molasses is for his own use for ensilage. If he has knowledge of these facts, he may waive the signed statement.

Preference Ratings

(k) *Use of preference ratings.* No preference rating shall be applied to obtain delivery of new drums except a rating which has been specifically assigned for drums by the Army, Navy, Aircraft Resources Control Office, Maritime Commission, War Shipping Administration or to other persons pursuant to the authorization by the Maritime Commission under Form WPB 646 (formerly PD-300) for direct or ultimate delivery to them of drums either filled or empty.

(l) *Cancellation of ratings previously assigned.* Any order for new drums for which a rating of AA-3 or lower has been assigned before May 27, 1944 shall be considered an unrated order whether it was placed before or after May 27, 1944.

(m) *Certificate.* No person shall sell or deliver any new drums unless he receives a purchaser's certificate, signed manually or as provided in Priorities Regulation No. 7. This certificate shall be in substantially the form attached hereto as Exhibit A. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

Miscellaneous Provisions

(n) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(o) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB 3770 in quadruplicate.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(q) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L-197.

(r) *Approval by Bureau of the Budget.* The use of Form WPB 3770 has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of January 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A—PURCHASER'S CERTIFICATE

The following certificate is to be delivered to each person from whom purchases of new drums are made. Such certificate shall cover all purchases, present and future.

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order L-197 of the War Production Board, and that all purchases from you of steel drums, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

_____
(Legal name of purchaser)
By_____
(Authorized official)
_____
(Title of official)
_____
(Address of purchaser)

SCHEDULE A

As provided in paragraph (d) a person may use new steel drums for each class of commodities listed below only to the extent of his packing quota for that class of commodities. Drum usage for one class of commodities may not be included in computing a person's packing quota for another class of commodities. Where no quota appears in Column 2 a person's quota for packing any class of commodities for industrial orders is 95% of his industrial usage of new steel drums in 1943. Quotas appearing in Column (2) are based on the quantity of the commodities which a person packed in the type of containers designated in the base year shown, and is in addition to the packing quota specified in paragraph (d) (1).

1. Commodity class and number	2. Quota based on previous use of other types of containers
CHEMICAL PRODUCTS	
1. Acids—dry	
2. Additives, oil and gasoline	
3. Alcohol & Solvents, including but not limited to: Specially denatured alcohol (except Item 2 in Schedule B) and chlorinated solvents.	
4. Aluminum chloride, anhydrous	
5. Anti-freeze	
6. Brake fluid	
7. Calcium carbide	
8. Catalysts, phosphoric acid type	
9. Caulking compounds and sealers, including but not limited to: glazing material, putty and fillers.	
10. Caustic soda, including caustic potash.	
11. Cements, and adhesives	
12. Coal tar solvents	
13. Disinfectants and germicides	
14. Dyestuffs, dry	
15. Dyestuffs, vat	
16. Explosives	
17. Fire extinguisher: liquid and powder.	
18. Insecticides and fungicides	
19. Intermediates, organic compounds not elsewhere listed, including Amines, Ethers, Ketones, Esters, Aromatics, alcohols, aldehydes and acids.	
20. Leather auxiliaries and processing compounds.	
21. Medicinals, human	
22. Medicinals, animal	
23. Naval stores, including but not limited to dipentene, pine oil, turpentine, except rosin.	
24. Paints, enamels and lacquers in clear, pigmented, semi-paste, paste or liquid form, including lead oxides in oil, colors in oil and oil stain, floor wax.	60% of quantity packed in fibre drums in 1943.
25. Peroxygen chemicals including chlorates, perchlorates, permanganates, solid peroxides.	
26. Petroleum solvents (as defined in M-150).	
27. Pitch or tar, including mineral filled, cutbacks, emulsions and road oils.	75% of quantity packed in fibre drums in 1943.
28. Plastic molding compounds	
29. Plasticizers, other than rubber	
30. Printing ink	
31. Rosin	100% of quantity packed in fibre drums in 1943.
32. Rubber cements	
33. Rubber processing chemicals, including but not limited to plasticizers.	
34. Rust preventatives	
35. Synthetic resins	100% of quantity packed in fibre drums in 1943.
36. Sodium and zinc hydrosulphate	
37. Sulphides, including but not limited to Sodium, potassium and carbon bisulphide.	
38. Textile auxiliaries and processing compounds.	
39. Varnish and varnish stain	100% of quantity packed in fibre drums in 1943.
40. Vitamins	
41. Zinc chloride	
99. Other chemicals not in Schedule B.	
FOODS	
101. Greases, animal and vegetable	
102. Oils, animal, fish, marine animal, vegetable and vitamin oils or any blend thereof.	
199. Other food products not in Schedule B.	
PETROLEUM PRODUCTS (AS DEFINED IN M-201 OR PDO-19)	
201. Asphalt, including mineral filled, cut-backs, emulsions and road oils.	75% of quantity packed in fibre drums in 1943.

SCHEDULE A—Continued

1. Commodity class and number	2. Quota based on previous use of other types of containers
PETROLEUM PRODUCTS (AS DEFINED IN M-201 OR PDO-19)—continued	
202. Fuel oil, kerosene, motor fuel, naphtha, solvents, insecticide base.	
203. Lubricating greases	50% of quantity packed in fibre drums in 1943.
204. Lubricating oil	
205. Microcrystalline wax	
206. Petrolatum, USP grades	
299. Other petroleum products not in Schedule B.	
MISCELLANEOUS PRODUCTS	
301. Abrasives	
302. Metallic powders and pastes	
303. Refractories	
304. Other miscellaneous products not in Schedule B.	

SCHEDULE B

As provided by paragraphs (c) and (f), commodities listed below without an asterisk may not be packed in any steel drum, and commodities listed below with an asterisk may not be packed in new drums or in rejects or seconds, but may be packed in used drums.

1. Acid, succinic
2. *Alcohol, specially denatured (except anhydrous grades and the following formulas: #13A, #19, #20, #32, and #42)
3. Aluminum sulphate
4. Ammonia alum
5. Ammonium bicarbonate
6. Ammonium chloride
7. Ammonium nitrate, dry
8. Ammonium phosphates
9. Balsam copaiba
10. Bath salts
11. Bird seed
12. Boiler compounds, dry
13. Borax
14. Boric acid
15. Calcimine
16. Calcium carbonate
17. Calcium chloride
18. Calcium hydroxide
19. Calcium oxide
20. Calcium phosphates
21. Casein paints, dry
22. Cement paint, dry
23. Charcoal
24. Citric acid
25. Colors, inorganic dry
26. *Compounds, solid and semi-solid with a melting point of 65 degrees F. or above, used in cooking, including but not limited to mixtures of lard and hydrogenated oils.
27. Copper oxide
28. Copper sulphate, basic
29. *Dairy products
30. Fatty acids (having a melting point of higher than 42 degrees C.)
31. Flour
32. *Food products, cold pack and frozen
33. *Formaldehyde
34. Fruit juices
35. Fruits-brine
36. Fruits and peels, glace
37. Furniture polish
38. *Fuse powder, black, sporting powder, "A" blasting powder, and all other potassium nitrate black powder.
39. Gelatin
40. Glue, dry (animal and vegetable)
41. Hexamethylenetetramine
42. *Hydrogenated oils with a melting point of 65 degrees F. or above, including but not limited to shortening.
43. *Indigo paste
44. *Jellies, jams and preserves
45. Kraut
46. *Lanolin and wool grease
47. *Lard
48. Lime
49. Linseed oil meal
50. Lithopone
51. Magnesium chloride $6H_2O$
52. Magnesium oxide
53. Meats
54. *Molasses
55. Oil, crude petroleum
56. Olives
57. Paints, dry powder, including but not limited to those bound with glue, soya protein casein and cement
58. [Deleted July 28, 1944.]
59. Paradichlorobenzene
60. Paste, wall paper
61. Patching plaster
62. Pectin
63. *Petrolatum (except USP grades)
64. Pickles
65. *Pine tar
66. Potash alum
67. Potassium bicarbonate
68. Potassium carbonate
69. Sand
70. Scouring cakes and powder
71. Shellac
72. Silicate of soda, dry, ortho silicate, meta silicate, sesqui or mixture thereof
73. Soap, dry
74. Soda alum
75. Soda ash
76. Sodium aluminate
77. Sodium bicarbonate
78. Sodium bisulfate
79. Sodium chloride
80. *Sodium lactate
81. Sodium metaborate
82. Sodium nitrate
83. Sodium nitrite
84. Sodium perborate
85. Sodium phosphates
86. Sodium sesquicarbonate
87. Starches, dry
88. Sweeping compounds
89. *Syrup, corn
90. *Syrup, mixed and unmixed (except corn syrup)
91. *Tallow
92. Vegetables—brine
93. Vinegar
94. Water
95. Wax, except floor wax and microcrystalline wax
96. Zeolite

INTERPRETATION 1

STEEL SHIPPING DRUMS; APPEALS GRANTED BEFORE MAY 27, 1944 NOT CANCELLED

Authorization by the War Production Board was required for delivery and acceptance of delivery of new drums under Order L-197 prior to May 27, 1944, but is no longer required under the order as amended on that date. Paragraph (d) (7) declaring all authorizations null and void after May 27, 1944 does not invalidate appeals granted before that date. An appeal is a request for permission to use a new or used drum for packing a product listed without an asterisk in Schedule A of the old order or to use a new drum to pack a product listed with a single asterisk. [Issued June 19, 1944.]

[F. R. Doc. 45-1143; Filed, Jan. 18, 1945; 11:40 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-197, Revocation of Direction 2]

RELAXATION OF RESTRICTIONS ON USE OF STEEL DRUMS FOR PACKING CERTAIN FOOD ITEMS ON SCHEDULE B

Direction 2 to Limitation Order L-197 is revoked. This revocation does not affect any liabilities incurred under this direction. The subject matter of this Direction has now been covered in Order L-197 as amended January 18, 1945.

Issued this 18th day of January 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-1142; Filed, Jan. 18, 1945; 11:40 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Rev. SR. 14 to GMPR, Amdt. 204]

SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 to General Maximum Price Regulation is amended in the following respects:

Sections 2.4, 2.12 and 2.13 are hereby revoked.

This amendment shall become effective January 17, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1122; Filed, Jan. 17, 1945; 5:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[1] Amdt. 206]

MANUFACTURERS' MAXIMUM PRICES FOR WOMEN'S AND CHILDREN'S HANDBAGS, PURSES AND POCKETBOOKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 3.14 of Revised Supplementary Regulation 14 to the General Maximum Price Regulation is amended in the following respects:

1. Paragraph (d) (1) (iv) is amended to read as follows:

(iv) Highest price line limit requested in each category. These price lines must

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

be taken from any group up to and including Group K of paragraph (j), except (a) in the case of persons to whom the use of such price line limits would constitute substantial hardship or (b) in cases where the persons who own the applicant had experience as owners in this industry during the base period in price lines above Group K.

2. Paragraph (d) (4) is amended to read as follows:

(4) If the persons who own the applicant had experience in this industry as owners during the base period, highest price line limits will be authorized to the applicant which are in line with their base period experience.

The highest price line limits which will be authorized to applicants whose owners do not have base period experience as owners in this industry will be those price lines which are in line with the previous business connections of the applicant's owners or in line with the prices prevailing in October and November 1942 among the applicant's most closely competitive sellers of the same class; except that no price line limits higher than those appearing in Group K of paragraph (j) will be authorized to these sellers except in cases in which the Office of Price Administration finds that substantial hardship will result from the restriction.

3. Paragraph (g) is amended to read as follows:

(g) All price line limits appearing on the charts of persons reporting under paragraph (c) (2) or authorized under paragraph (d) of this section shall be subject to adjustment at any time upon written notice from the Office of Price Administration.

Price line limits of applicants or of persons reporting under paragraph (c) (2) shall be adjusted to conform to the previous business experience of such persons or to the price line limits established under section 3.14 of Revised Supplementary Regulation 14 to the General Maximum Price Regulation by their most closely competitive sellers of the same class.

This amendment shall become effective January 17, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1123; Filed, Jan. 17, 1945; 5:09 p. m]

PART 1340—FUEL

[MPR 88, Amdt. 24]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. In section 1.1 the item "Liquefied petroleum gas except when sold for use in the manufacture of synthetic rubber and aviation gasoline" is amended to read "All grades of liquefied petroleum gas except when sold to consumers in single lot deliveries of 500 gallons or less and except when sold for use in the manufacture of synthetic rubber and aviation gasoline."

2. Section 2.3 (a) is amended as follows:

a. In the table of prices the words "43–52 Diesel index" are substituted for the words "52 Diesel index and below."

b. Footnote 2 is amended to read as follows:

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

3. Section 2.4 (b) (2) is amended as follows:

In the table of prices the following tank wagon areas are added to the list of tank wagon areas and the following prices, applicable as indicated to the added tank wagon areas, are added, in the order indicated, to the respective columns of prices:

Van Nuys	7.25	6.25
Monrovia	7.25	6.25

4. Section 2.16 (a) is amended to read as follows:

(a) *Louisiana Gulf Coast ports*[1] *and New Orleans Area*[1][2] *shipping points—(1) Maximum prices in bulk lots f. o. b. refineries and tanker terminals.*

Products:	*Cents per gallon*
Kerosene, distillate fuel oils and gas oils:	
Kerosene, water white (41 API gravity and above)	4.125
Range or stove oil[4]	3.875
No. 1 fuel oil[4]	3.875
No. 2 fuel oil	3.75
No. 3 fuel oil	3.75
Gas Oil[5] zero cold test (or below)	3.50
Gas Oil[5] above zero cold test	3.875
Diesel fuels (distillate):[6]	
Diesel Index 58 and above	4.25
Diesel Index 53–57	4.125
Diesel Index 43–52	4.00

[1] When any of the above products except gas oils are loaded into pipe line (see note 7 below), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District I, seller may charge prices in this table or his maximum prices under other sections of this regulation, whichever may be higher.

[2] When any of the above products except gas oils are loaded into barge, pipe line (see note 7 below), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District I, seller may charge prices in this table or his maximum prices under other sections of this regulation whichever may be higher.

[3] New Orleans Area means Mississippi River ports up to and including Baton Rouge.

[4] If range or stove oil or No. 1 fuel oil conform to all of a particular seller's specifications for water white kerosene of 41 API gravity and above the maximum price for such products shall be 4.125¢ per gallon for such seller.

[5] Unless separately listed as another product in the above table or in any other part of section 2.16 (a), any refined distillate or overhead petroleum product (except lube distillates or naphthas sold for blending with gasoline or natural gasoline) of lower than 41 degrees gravity, API, is to be considered a gas oil. For grades of gas oils claimed to be special grades sellers may not charge higher prices than established for gas oils in the above table without a written order from the Administrator.

[6] These prices apply only to fuels sold for use in Diesel engines.

[7] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

5. Section 2.16 (b) is amended as follows:

a. In the table of prices the words "43–52 Diesel index" are substituted for the words "52 Diesel index and below."

b. Footnote 2 is amended to read as follows:

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

6. Section 2.20 (b) (4) is added to read as follows:

(4) *Maximum delivered prices for heavy fuel oils.* Except on tank wagon sales, the maximum delivered-at-destination price to consumers in Wayne County for all grades of residual fuel oils and blends thereof with distillate in bulk lots shall be 4.9¢ per gallon.

7. Section 2.20 (c) (3) is added to read as follows:

(3) *Maximum delivered prices for heavy fuel oils.* Except on tank wagon sales, the maximum delivered-at-destination price to consumers in Monroe County for all grades of residual fuel oils and blends thereof with distillate in bulk lots shall be 4.9¢ per gallon.

8. Section 2.20 (e) (2) is added to read as follows:

(2) *Maximum delivered prices for heavy fuel oils in Macomb and Oakland Counties.* Except on tank wagon sales, the maximum delivered-at-destination price to consumers in the above counties for all grades of residual fuel oils and blends thereof with distillate in bulk lots shall be 4.9¢ per gallon.

9. Section 2.22 (a) is revoked.

10. Section 2.41 (a) is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

(a) *Texas Gulf Coast ports*—(1) *Maximum prices*[1] *in bulk lots f. o. b. refineries and tanker terminals.*

Products:	*Cents per gallon*
Kerosene, distillate fuel oils and gas oils:	
Kerosene, water white (41 API gravity and above)	4.125
Range or stove oil[2]	3.875
No. 1 fuel oil[2]	3.875
No. 2 fuel oil	3.75
No. 3 fuel oil	3.75
Gas Oil[3] zero cold test (or below)	3.50
Gas oil[3] above zero cold test	3.375
Diesel fuels (distillate):[4]	
Diesel index 58 and above	4.25
Diesel index 53–57	4.125
Diesel index 43–52	4.00

[1] When any of the above products except gas oils are loaded into pipe line (see note 5 below), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District I, seller may charge prices in this table or his maximum prices under other sections of this regulation, whichever may be higher.

[2] If range or stove oil or No. 1 fuel oil conform to all of a particular seller's specifications for water white kerosene of 41 API gravity and above the maximum price for such products shall be 4.125¢ per gallon for such seller.

[3] Unless separately listed as another product in the above table or any other part of section 2.41 (a), any refined distillate or overhead petroleum product (except lube distillates or naphthas sold for blending with gasoline or natural gasoline) of lower than 41 degrees gravity, API, is to be considered a gas oil. For grades of gas oil claimed to be special grades sellers may not charge higher prices than established for gas oils in this section 2.41 (a) without a written order from the Administrator.

[4] These prices apply only to fuels sold for use in Diesel engines.

[5] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

11. Section 2.41 (b) (1) is amended as follows:

a. In the table of prices the words "43–52 Diesel index" are substituted for the words "52 Diesel index and below."

b. Footnote 2 is amended to read as follows:

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

12. Section 3.1 (b) is amended to read as follows:

(b) *Area covered.* The provisions of this article apply in the Continental United States (other than Petroleum Administration for War District V), Puerto Rico and the Virgin Islands of the United States.

13. In section 3.4 footnote 5 is added for Price Area J to read as follows:

[6] Prices in that portion of this price area within the County of Wayne shall not be applicable on sales to consumers when shipment is made to any point in the Counties of Wayne, Oakland, Macomb and Monroe.

14. In section 4.3 (a) (1) footnote 2 is amended to read as follows:

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

15. Section 4.3 (a) (3) is added to read as follows:

(3) *Aviation gasoline.* In the El Dorado Area, as the same is defined in subparagraph (1) above, maximum prices of aviation gasoline, in bulk lots f. o. b. refineries shall be as follows:

[Cents per gallon]

Grades	To class 1[1] purchasers	To class 2[2] purchasers	To class 3[3] purchasers
62–65 Oct. ASTM	7.125	7.25	7.5
73 Oct. ASTM	7.375	7.50	7.75
80 Oct. ASTM	7.625	8.0	8.25

[1] Class 1 purchasers are refiners, the United States Government or any agency thereof, and buyers purchasing for ultimate shipment to Petroleum Administration for War District I.

[2] Class 2 purchasers are resellers not included in Class 1.

[3] Class 3 purchasers are consumers not included in Class 1.

16. Section 4.5 (c) is added to read as follows:

(c) *Northeastern Colorado.* Maximum tank wagon prices of automotive gasoline to dealers and consumers in the tank wagon areas listed below shall be as follows:

Tank wagon area	Premium grade	Regular grade	Third grade
Sterling	11.5	10	9
Stoneham	11.5	10	9
Grover	11.5	10	9
Willard	11.5	10	9
Peetz	11.5	10	9
Crook	11.5	10	9
Sedgwick	11.5	10	9
Julesburg	11.5	10	9
Holyoke	11.5	10	9
Paoli	11.5	10	9
Haxtun	11.5	10	9
Fleming	11.5	10	9

17. Section 4.16 (a) is amended to read as follows:

(a) *Louisiana Gulf Coast ports and New Orleans Area shipping points.*—(1) *Automotive gasoline.* At Louisiana Gulf Coast ports[1] and New Orleans Area[2][3] shipping points maximum prices of automotive gasoline in bulk lots f. o. b. refineries and tanker terminals shall be as follows:

Specifications:	*Cents per gallon*
75 Oct. ASTM and above	6.75
80 Oct. 1939 Research, leaded (max. 2 cc)	6.00
70–74 Oct. ASTM leaded	5.625
65–67 Oct. ASTM	5.25
60–64 Oct. ASTM and below	5.00

[1] When loaded into pipe line, tank car, motor transport or tank wagon for shipment to ultimate destinations other than in District I (see note 4 below), seller may charge prices in this table or his maximum prices under other sections of the regulation, whichever may be higher.

[2] When loaded into barge, pipe line (see note 4 below), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District I, seller may charge prices in this table or his maximum prices under other sections of this regulation, whichever may be higher.

[3] New Orleans Area means Mississippi River ports up to and including Baton Rouge.

[4] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

(2) *Aviation gasoline.* At Louisiana Gulf Coast ports and New Orleans Area[1] shipping points maximum prices[2] of aviation gasoline in bulk lots f. o. b. refineries and tanker terminals shall be as follows:

[Cents per gallon]

Grades	To class 1[3] purchasers	To class 2[4] purchasers	To class 3[5] purchasers
62–65 Oct. ASTM	[6] 7.00	7.25	7.50
73 Oct. ASTM	[6] 7.25	7.50	7.75
80 Oct. ASTM	[6] 7.50	8.00	8.25

[1] New Orleans Area means Mississippi River ports up to and including Baton Rouge.

[2] If deliveries f. o. b. tanker terminals to the United States Government or any agency thereof involve extraordinary transportation or loading expenses a seller may file a written application for approval of a higher maximum price with the Petroleum Branch of the Office of Price Administration, Washington, D. C., but may not charge more than the applicable maximum price set forth above without a written order from the Price Administrator.

[3] Class I purchasers are refiners, the United States Government or any agency thereof, and buyers purchasing for ultimate shipment to Petroleum Administration for War District I.

[4] Class 2 purchasers are resellers not included in Class 1.

[5] Class 3 purchasers are consumers not included in Class 1.

[6] When the product is loaded into tank cars or tank trucks, add 0.125¢ per gallon.

18. Section 4.16 (b) is amended as follows:

a. Footnote 2 is amended to read as follows:

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

b. The portion of the section which follows the heading is renumbered section 4.16 (b) (1) and to such new section 4.16 (b) (1) is added a heading to read as follows:

(1) *Automotive gasoline.*

19. Section 4.16 (b) (2) is added to read as follows:

(2) *Aviation gasoline.* In the Shreveport Area, as the same is defined in subparagraph (1) above, maximum prices of aviation gasoline in bulk lots f. o. b. refineries shall be as follows:

[Cents per gallon]

Grades	To class 1 [1] purchasers	To class 2 [2] purchasers	To class 3 [3] purchasers
62–65 Oct. ASTM	7.125	7.25	7.5
73 Oct. ASTM	7.375	7.50	7.75
80 Oct. ASTM	7.625	8.00	8.25

[1] Class 1 purchasers are refiners, the United States Government or any agency thereof, and buyers purchasing for ultimate shipment to Petroleum Administration for War District I.
[2] Class 2 purchasers are resellers not included in Class 1.
[3] Class 3 purchasers are consumers not included in Class 1.

20. Section 4.41 (a) is amended to read as follows:

(a) *Texas Gulf Coast ports*—(1) *Automotive gasoline.* At Texas Gulf Coast ports maximum prices [1] of automotive gasoline in bulk lots f. o. b. refineries and tanker terminals shall be as follows:

Specifications:	*Cents per gallon*
75 Oct. ASTM and above	6.75
80 Oct. 1939 Research leaded (max. 2 cc)	6.00
70–74 Oct. ASTM leaded	5.625
65–67 Oct. ASTM	5.25
60–64 Oct. ASTM and below	5.00

[1] When loaded into pipe line, tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District I (see note 2 below), seller may charge prices in this table or his maximum prices under other sections of this regulation whichever may be higher.

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

(2) *Aviation gasoline.* At Texas Gulf Coast ports maximum prices [1] of aviation gasoline in bulk lots f. o. b. refineries and tanker terminals shall be as follows:

[Cents per gallon]

Grades	To class 1 [2] purchasers	To class 2 [3] purchasers	To class 3 [4] purchasers
62–65 Oct. ASTM	[5] 7.00	7.25	7.50
73 Oct. ASTM	[5] 7.25	7.50	7.75
80 Oct. ASTM	[5] 7.50	8.00	8.25

[1] If deliveries f. o. b. tanker terminals to the United States Government or any agency thereof involve extraordinary transportation or loading expenses a seller may file a written application for approval of a higher maximum price to the Petroleum Branch of the Office of Price Administration, Washington, D. C., but may not charge more than the applicable maximum price set forth above without a written order from the Price Administrator.

[2] Class 1 purchasers are refiners, the United States Government or any agency thereof, and buyers purchasing for ultimate shipment to Petroleum Administration for War District I.

[3] Class 2 purchasers are resellers not included in Class 1.

[4] Class 3 purchasers are consumers not included in Class 1.

[5] When the product is loaded into tank cars or tank trucks, add 0.125¢ per gallon.

21. Section 4.41 (b) (1) is amended as follows:

a. Footnote 1 is amended to read as follows:

[1] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District I termini shall be considered destined for Petroleum Administration for War District I.

b. Section 4.41 (b) (1) is renumbered section 4.41 (b) (1) (i) and between the heading of section 4.41 (b) and the heading of section 4.41 (b) (1) (i) is inserted the following:

(1) *Automotive gasoline.*

22. Section 4.41 (b) (2) is renumbered section 4.4 (b) (1) (ii).

23. A new section 4.41 (b) (2) is added to read as follows:

(2) *Aviation gasoline*—(i) *F. o. b. refineries at Texas Panhandle, West Texas, North Texas and East Texas points.* At points in the Texas Panhandle, West Texas, North Texas and East Texas Areas, as the same are defined in section 4.41 (b) (1) (i) above, maximum prices of aviation gasoline in bulk lots f. o. b. refineries shall be as follows:

[Cents per gallon]

Grades	To class 1 [1] purchasers	To class 2 [2] purchasers	To class 3 [3] purchasers
62–65 Oct. ASTM	7.125	7.25	7.5
73 Oct. ASTM	7.375	7.50	7.75
80 Oct. ASTM	7.625	8.0	8.25

[1] Class 1 purchasers are refiners, the United States Government or any agency thereof, and buyers purchasing for ultimate shipment to Petroleum Administration for War District I.
[2] Class 2 purchasers are resellers not included in Class 1.
[3] Class 3 purchasers are consumers not included in Class 1.

(ii) *F. o. b. refineries at Lower Inland Texas points.* At points in the Lower Inland Texas Area, as the same is defined in section 4.41 (b) (1) (ii) above, maximum prices of aviation gasoline in bulk lots f. o. b. refineries shall be as follows:

[Cents per gallon]

Grades	To class 1 [1] purchasers	To class 2 [2] purchasers	To class 3 [3] purchasers
62–65 Oct. ASTM	7.125	7.25	7.5
73 Oct. ASTM	7.375	7.50	7.75
80 Oct. ASTM	7.625	8.0	8.25

[1] Class 1 purchasers are refiners, the United States Government or any agency thereof, and buyers purchasing for ultimate shipment to Petroleum Administration for War District I.
[2] Class 2 purchasers are resellers not included in class 1.
[3] Class 3 purchasers are consumers not included in Class 1.

24. Section 7.1 is revoked.

25. In section 7.2 the name "Standard Oil Company Incorporated in Kentucky" is substituted for "Standard Oil Company of Kentucky" wherever the latter appears; the name "Standard Oil Company (Indiana)" is substituted for "Standard Oil Company of Indiana" wherever the latter appears; and "Standard Oil Company (Indiana)" is substituted for "Standard Oil Company of Nebraska" as the reference seller for the State of Nebraska.

26. Section 7.4 (a) is amended by inserting the word "automotive" to precede the word "gasoline."

27. Section 7.5 (c) is amended by changing "December 1, 1944", the filing date mentioned therein, to "February 1, 1945."

28. Section 7.6 is amended by inserting the word "automotive" to precede the word "gasoline."

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective January 23, 1945.

Issued this 18th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1146; Filed, Jan. 18, 1945; 11:33 a. m.]

PART 1340—FUEL

[RMPR 137,[1] Incl. Amdts. 1–8]

PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS AND CERTAIN OTHER RETAIL SALES OF LIQUEFIED PETROLEUM GAS

This compilation of Revised Maximum Price Regulation 137 includes Amendment 8, effective January 23, 1945. The title is amended and the text added or amended is underscored. Deletions and redesignations are indicated by note.

Maximum Price Regulation No. 137 is redesignated Revised Maximum Price Regulation No. 137 and is amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade and industry affected. A statement of considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

§ 1340.81 *Maximum prices for petroleum products sold at retail establishments and certain other retail sales of liquefied petroleum gas.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 Revised Maximum Price Regulation No. 137 (Petroleum Products Sold at Retail Establishments and Certain Other Retail Sales of Liquefied Petroleum Gas), which is annexed hereto and made a part hereof, is hereby issued.

[1] 9 F.R. 1117.
[2] Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

ARTICLE I—GENERAL PROVISIONS

Sec.

ARTICLE II—MAXIMUM PRICES FOR PETROLEUM PRODUCTS SUBJECT TO THIS REGULATION

Sec.

AUTHORITY: § 1340.81 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *To what transactions, products and areas this regulation is applicable.* (a) This regulation covers all sales and deliveries at service stations and other retail establishments of the following products:

Motor fuel.
Motor lubricating oil.
Greases.
Kerosene.
Prime white distillate.
Nos. 1 and 2 fuel oil and range oil.
Cleaner's or other naphthas.

(b) This regulation covers all sales of all grades of liquefied petroleum gas to consumers in single lot deliveries of 500 gallons or less.

This regulation applies in the forty-eight states of the United States, the District of Columbia and territories and possessions of the United States except the Panama Canal Zone and the Territory of Alaska.

[Sec. 1 amended by Am. 3, 9 F.R. 5312, effective 5–22–44; and Am. 8, effective 1–23–45]

SEC. 2. *Changes in operators of and sales of retail establishments*—(a) *Sale or transfer of a going-business.* If a retail establishment or a service station lease is sold or transferred or if the operator of such a service station is changed and if the sale, transfer or change in operation occurs at a time when the establishment is in operation or within a period of 60 days after operation of the establishment was discontinued the maximum prices of the transferee or new operator shall be the maximum prices which the transferor would have been subject to in sales of petroleum products of the same grade if no such change had taken place and the obligations of the transferee to keep records and make reports shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of sale prior to the transfer which are necessary to enable the transferee to comply with the record and statement provisions of this regulation.

(b) *Sale or transfer of a business site.* If a retail establishment or a service station lease is sold or transferred or if the operator of a service station is changed but no petroleum products have been sold at retail from the site for a period of sixty days prior to the sale, transfer, or change in operation, the maximum prices of the transferee or new operator shall be the maximum prices which may be charged under the other provisions of this regulation by his nearest seller of the same class for a petroleum product of the same grade.

SEC. 3. *Federal and State taxes*—(a) *Tax in effect during March, 1942.* Where a seller during March, 1942 included a tax (either directly or by separate statement and collection) as a part of his price for a petroleum product, he may include such tax (either directly or by separate statement and collection) as a part of any maximum price established under this regulation for that product or for a new product he is now selling which is subject to the same tax.

(b) *Tax or increase in tax effective after March, 1942.* Any tax increase or new tax imposed after March, 1942 upon or incident to the sale, delivery or use of any petroleum product covered by this regulation may be collected in addition to the maximum prices established under this regulation. However, in the case of the Federal excise on lubricating oils provided by the Revenue Act of 1942, effective November 1, 1942, a seller of motor lubricating oils may collect in addition to the maximum prices established under this regulation one cent on each sale of five quarts or less, and the total amount of the increase adjusted to the nearest cent on each sale of more than five quarts.

SEC. 4. *Records, receipts and posting of prices*—(a) *Base period records.* Every person selling petroleum products subject to this regulation shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such petroleum products as he delivered during March 1942.

(2) Prepare, on or before July 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices which he charged for such petroleum products as he delivered during March 1942, with an appropriate description or identification of such petroleum products by reference to kind and grade;

(ii) All his customary allowances, discounts and other price differentials.

(b) *Current records.* Every person selling petroleum products subject to this regulation shall keep and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such petroleum products as he sold, after May 18, 1942, and, in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for such petroleum products.

(c) *Sales slips and receipts.* Any person subject to this regulation who has customarily given a purchaser a sales slip, receipt or similar evidence of purchase shall continue to do so. Upon request from a purchaser any person subject to this regulation shall give the purchaser a receipt showing the date, the name and address of the seller, the kind, grade and quantity of the petroleum products sold, and the price received for it.

(d) *Statement and posting of maximum prices of petroleum products.* (1) Every person selling petroleum products subject to this regulation shall post the maximum price chargeable to purchasers of the class to whom he makes the bulk of his sales for each grade of petroleum products in a manner plainly visible to and understandable by, each purchaser. Such postings shall be marked "maximum prices," "ceiling prices" or "our ceiling," beneath which shall be marked each grade of the petroleum product offered for sale and oppo-

site each grade shall be stated the maximum price for that grade. Every person whose maximum prices are increased pursuant to authorization by the Office of Price Administration shall indicate separately either for 60 days after such authorization or for so long as the increase remains effective, whichever period is shorter, the amount by which the maximum prices were increased, and the fact that such increase was authorized by the Office of Price Administration. In making this representation such person shall use the following language: "Amount of Increase—cents per gallon—Approved by the Office of Price Administration" or any other statement supplying the same information.

[Paragraphs (a), (b) and (d) amended by Am. 8, effective 1-23-45]

SEC. 5. *Petitions for changes in the regulation or other relief*—(a) *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[3]

(b) *Adjustments because of Fair Trade Acts.* Maximum prices established under this regulation may be adjusted in the case of any seller at retail who shows:

1. Either that his maximum price for any commodity established under this regulation is less than the minimum price at which he was lawfully required to sell the commodity during March 1942 pursuant to the provisions of a State Fair Trade Act; or that he has been permanently enjoined by a court from selling the commodity at less than such minimum price; and also

2. That the commodity was generally sold at retail during March 1942 at prices no lower than such minimum price within the locality in which his selling establishment is located.

In such cases, the maximum price of the seller will be increased to such minimum price. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

Each Regional Administrator of the Office of Price Administration and such District Directors of the Office of Price Administration as may be designated by the appropriate Regional Administrator are hereby authorized to make adjustments or act upon applications for adjustment under this paragraph (b).

[Paragraph (b) amended by Am. 4, 9 F.R. 9651, effective 8-14-44]

(c) *Local shortages.* The Office of Price Administration, or any duly authorized representative thereof, may adjust by order any maximum price established under this regulation for any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such petroleum product; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Applications for adjustment shall be filed in Washington, D. C., in accordance with Revised Procedural Regulation No. 1.

[Paragraph (c) added by Am. 8, effective 1-23-45]

SEC. 6. *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation no person shall sell or deliver petroleum products subject to this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things. Prices lower than the maximum prices may, of course, be charged and paid.

[Paragraph (a) amended by Am. 8, effective 1-23-45]

(b) *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of petroleum products alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. *Definitions.* (a) "Petroleum products" means motor fuel as defined in section 7 (b), kerosene, prime white distillate, Nos. 1 and 2 fuel oil, range oil, cleaner's or other naphthas, motor lubricating oils and greases, and liquefied petroleum gas.

(b) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motor boats, and shall include any liquid fuel to which Federal gasoline taxes apply except (i) aviation gasoline of 87 octane rating or higher (ASTM method); (ii) all grades of liquefied petroleum gas.

(c) "Retail establishment" means a store, shop, garage, service station or other stationary place of business at which the major portion of the sales of petroleum products are sold in small quantities to consumers.

(d) "Service station" means any place of business or part thereof, where motor fuel is delivered into the fuel supply tanks of motor vehicles or motorboats.

(e) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(f) "Seller" means a person making sales of petroleum products covered by this regulation. Where a seller makes sales through more than one retail establishment, each separate retail establishment shall be deemed to be a separate seller, except that for the purposes of section 6 (d) licensing sellers subject to this regulation, the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

[Paragraphs (a), (b), (c) and (f) amended by Am. 8, effective 1-23-45]

(g) "Seller of the same class" means a seller (1) performing the same function, (2) of similar type, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(h) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for a commodity for sales to purchasers located in different areas or buying in different quantities or grades or under different conditions of sale.

(i) "Reference seller." The companies hereinafter named are the reference tankwagon sellers for any point in the Continental United States, in the state, states or districts set out opposite the name of the company: *Provided,* That such company has an applicable price for such point:

For any points in the State of:	*Reference tank wagon sellers*
Alabama	Standard Oil Co. (Kentucky).
Arizona	Standard Oil Co. of California.
Arkansas	Standard Oil Co. of Louisiana.
California	Standard Oil Co. of California.
Colorado	Continental Oil Co.
Connecticut	Socony-Vacuum Oil Co., Inc.
Delaware	The Atlantic Refining Co.
District of Columbia.	Standard Oil Co. of New Jersey.
Florida	Standard Oil Co. (Kentucky).
Georgia	Standard Oil Co. (Kentucky).
Idaho	Continental Oil Co.
Illinois	Standard Oil Co. (Indiana).

[3] 9 F.R. 10476, 13715.

[4] 8 F.R. 13240.

For any points in the State of:	*Reference tank wagon sellers*
Indiana	Standard Oil Co. (Indiana).
Iowa	Standard Oil Co. (Indiana).
Kansas	Standard Oil Co. (Indiana).
Kentucky	Standard Oil Co. (Kentucky).
Louisiana	Standard Oil Co. of Louisiana.
Maine	Socony-Vacuum Oil Co., Inc.
Maryland	Standard Oil Co. of New Jersey.
Massachusetts	Socony-Vacuum Oil Co., Inc.
Michigan	Standard Oil Co. (Indiana).
Minnesota	Standard Oil Co. (Indiana).
Mississippi	Standard Oil Co. (Kentucky).
Missouri	Standard Oil Co. (Indiana).
Montana	Continental Oil Co.
Nebraska	Standard Oil Co. (Nebraska).
Nevada	Standard Oil Co. of California.
New Hampshire	Socony-Vacuum Oil Co., Inc.
New Jersey	Standard Oil Co. of New Jersey.
New Mexico	Continental Oil Co.
New York	Socony-Vacuum Oil Co., Inc.
North Carolina	Standard Oil Co. of New Jersey.
North Dakota	Standard Oil Co. (Indiana).
Ohio	Standard Oil Co. (Ohio)
Oklahoma	Continental Oil Co.
Oregon	Standard Oil Co. of California.
Pennsylvania	The Atlantic Refining Co.
Rhode Island	Socony-Vacuum Oil Co., Inc.
South Carolina	Standard Oil Co. of New Jersey.
South Dakota	Standard Oil Co. (Indiana).
Tennessee	Standard Oil Co. of Louisiana.
Texas	The Texas Co.
Utah	Continental Oil Co.
Vermont	Socony-Vacuum Oil Co., Inc.
Virginia	Standard Oil Co. of New Jersey.
Washington	Standard Oil Co. of California.
West Virginia	Standard Oil Co. of New Jersey.
Wisconsin	Standard Oil Co. (Indiana).
Wyoming	Continental Oil Co.

(j) "Grade" in establishing a maximum price for automotive gasoline, grade means the three trade classifications of gasoline, namely, premium, regular or third grade. Premium grade gasoline shall have a minimum octane number of 75 A. S. T. M. The specifications for regular and third grade gasoline shall be the specifications generally recognized in a particular locality by the petroleum industry for retail sales of these grades.

[Paragraph (j) added by Am. 3, 9 F.R. 5312, effective 5-22-44; amended by Am. 6, 9 F.R. 12813, effective 10-30-44]

[Former section 8 deleted and sections 9, 10, 11 and 12 redesignated 8, 9, 10 and 11, respectively, by Am. 8, effective 1-23-45]

ARTICLE II—MAXIMUM PRICES FOR PETROLEUM PRODUCTS SUBJECT TO THIS REGULATION

How to Determine Maximum Prices

Specific prices. Examine section 8. If it contains a specific price, this is your maximum price. There are no additions to these prices.

March, 1942 prices. If no specific price is provided, examine section 9 (a). This section requires you to charge no more than the highest price you charged in March, 1942 for each grade of a petroleum product to a purchaser of the same class. To this price the increases set forth in section 10 may be added and the decreases set forth in section 10 must be made.

March, 1942 price of nearest seller. Where you wish to sell a grade of a petroleum product, except liquefied petroleum gas, which you did not sell in March, 1942, you may use the maximum price of any seller of your class for that grade located within a radius of one mile of your retail establishment.

Where no sales of liquefied petroleum gas were made to consumers in single lot deliveries of 500 gallons or less in March, 1942, an application must be filed for approval of a price under section 11.

[Above text and article heading amended by Am. 8, effective 1-23-45]

Two special pricing methods for motor fuel. Instead of using your March, 1942 price for motor fuel, you may, if you choose, use one of the two special pricing methods for motor fuel set forth in section 9 (b). The first method permits you to fix a maximum price for motor fuel which gives you a three-cent margin over the maximum tank wagon price of the reference seller for undivided dealers. The reference seller for your area is set forth in section 7 (i). The second method permits you to compute a margin on the basis of the difference between your service station price October 1-15, 1941 and the tankwagon price of the reference seller October 1-15, 1941. You add this margin to the maximum tankwagon price of the reference seller as it is posted at the present time.

SEC. 8. *Specific maximum prices.*

NOTE: Nothing can be added to the maximum prices set forth in this section.

(a) *Gasoline.* [*none*]

(b) *Kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil.*

(1) CONNECTICUT

(i) In the Bridgeport, Connecticut Area, comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.8 cents per gallon.

(ii) In the Danbury, Connecticut Area, comprising the following townships and cities in the State of Connecticut, Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(iii) In the Greenwich-Norwalk, Connecticut Area, comprising the town and cities of Darien, Greenwich, New Canaan, Norwalk, Stamford, Stamford City and Wilton, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(iv) In the Hartford, Connecticut Area, comprising the townships and cities of Bloomfield, East Hartford, Glastonbury, Hartford, Newington, Wethersfield, Windsor, Windsor Locks, East Windsor, South Windsor and West Hartford, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(v) In the New Haven, Connecticut Area, comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.8 cents per gallon.

(vi) In the Waterbury, Connecticut Area, comprising the towns and cities of Waterbury, Naugatuck, Middlebury, Woodbury, Watertown, Wolcott, Prospect, and Cheshire, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(2) MARYLAND

Within the corporate limits of the City of Baltimore, Maryland, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(3) MASSACHUSETTS

In the Metropolitan Boston, Massachusetts Area comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.6 cents per gallon.

(4) MICHIGAN

Within the counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne in the State of Michigan the maximum prices for sellers at retail establishments of kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil, also known as stove oil or heater oil, shall be as follows:

	Cents per gallon
Kerosene	14.5
Range oil, also known as stove oil or heater oil	11.5
Prime white distillate and Nos. 1 and 2 fuel oil	11.0

(5) NEW HAMPSHIRE

In the Conway, New Hampshire Area comprising the town and cities of Albany, Bartlett, Chatham, Conway, Eaton, Hales's Location, Jackson, Madison and Tamworth, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 14.5 cents per gallon.

(6) NEW JERSEY

(i) Within the counties of Union, Middlesex, Essex, Hudson, Bergen, and Passaic,

State of New Jersey, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

(ii) Within the counties of Morris and Sussex, State of New Jersey, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.5 cents per gallon.

[Subparagraph (6) amended by Am. 4, 9 F.R. 9651, effective 8-14-44]

(7) NEW YORK

(i) Within the corporate limits of New York City, New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.3 cents per gallon.

(ii) Within the counties of Westchester, Nassau and Suffolk, State of New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

(iii) In the townships and cities in the State of New York of Brewster, Patterson and Palding, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(8) PUERTO RICO

Maximum prices of kerosene at retail establishments in Puerto Rico shall be 18¢ per gallon, and 5¢ per quart when a quantity less than one gallon is sold; except that in the Islands of Culebra and Vieques the maximum price shall be 20¢ per gallon, and 5¢ per quart when a quantity less than one gallon is sold.

[Subparagraph (8) amended by Am. 7, 9 F.R. 14106, effective 12-2-44]

(9) RHODE ISLAND

In the State of Rhode Island in the towns and cities named below, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be as follows:

City or town:	*Sales at retail establishments cents per gal.*
1. Barrington	13.0
2. Bristol	13.0
3. Burrillville	13.0
4. Central Falls City	12.5
5. Charlestown	12.5
6. Coventry	13.0
7. Cranston City	12.5
8. Cumberland	12.5
9. East Greenwich	13.0
10. East Providence	12.5
11. Exeter	13.0
12. Foster	13.0
13. Glocester	13.0
14. Hopkinton	12.5
15. Jamestown	13.5
16. Johnston	12.5
17. Lincoln	12.5
18. Little Compton	13.0
19. Middletown	13.0
20. Narragansett	12.5
21. Newport City	13.0
22. North Kingstown	13.0
23. North Providence	12.5
24. North Smithfield	12.5
25. Pawtucket City	12.5
26. Portsmouth	13.0
27. Providence City	12.5
28. Richmond	12.5
29. Scituate	13.0
30. Smithfield	12.5
31. South Kingstown	12.5
32. Tiverton	13.0
33. Warren	13.0
34. Warwick City	13.0
35. Westerly	12.5
36. West Greenwich	13.0
37. West Warwick	13.0
38. Woonsocket	12.5

[Subparagraph (9), formerly (10), added by Am. 1, 9 F.R. 3078, effective 8-27-44; redesignated (9) and amended by Am. 8, effective 1-23-45]

(10) WASHINGTON, D. C.

Within the Washington, D. C. tankwagon area the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 14.8 cents per gallon.

[Subparagraph (10), formerly (9), redesignated by Am. 8, effective 1-23-45]

(c) *Liquefied petroleum gas.*—(1) *Alcorn County, Mississippi.* In Alcorn County, Mississippi, on all sales to consumers of all grades of liquefied petroleum gas in single lot deliveries of 500 gallons or less the maximum price shall be 12¢ per gallon.

[Paragraph (c) added by Am. 8, effective 1-23-45]

SEC. 9. *Maximum prices where no specific prices are provided*—(a) *Ordinary pricing methods for all petroleum products covered by this regulation.*

(1) *March, 1942 price may be used*—(i) *On sales of liquefied petroleum gas.* On a liquefied petroleum gas sale covered by this regulation a seller's maximum price in an area where such seller was doing business during March, 1942 shall be the highest price charged for the same grade of liquefied petroleum gas to a purchaser of the same class during March, 1942. If a maximum price cannot be determined in this manner, application must be filed for approval of a price under section 11.

(ii) *On sales of all other products covered by this regulation.* A seller's maximum price for each grade of a petroleum product shall be the highest price charged to a purchaser of the same class by such seller at each retail establishment during March, 1942 for each grade of a petroleum product, plus or minus the increases or reductions provided for in section 10.

(2) *March, 1942 price of nearby seller may be used except on sales of liquefied petroleum gas.* If a seller did not sell a petroleum product of a particular grade at a retail establishment during March, 1942, his maximum price for this grade shall be obtained by adopting the maximum price for this grade of any seller located within a radius of one mile from his retail establishment, who is a seller of his same class. However, this method of determining a maximum price may not be used for sales of any grade of liquefied petroleum gas.

[Subparagraphs (1) and (2) amended by Am. 6, 9 F.R. 12813, effective 10-30-44; and Am. 8, effective 1-23-45]

[Heading to paragraph (a) amended by Am. 8, effective 1-23-45]

(b) *Special pricing methods for motor fuel*—(1) *Three cent margin.* A seller of motor fuel, at a retail establishment may, if he chooses, fix a maximum price for each grade of motor fuel by adding three cents a gallon to the maximum tankwagon price of the reference seller for undivided dealers for the point where the retail establishment is located. If the reference seller has no maximum tankwagon price for undivided dealers for the point where the retail establishment is located a maximum price may be fixed by adding three cents a gallon to the maximum tankwagon price to the nearest undivided dealer who is a tankwagon buyer. The reference tankwagon sellers are listed by states and the District of Columbia in section 7 (i).

[Subparagraph (1) amended by Am. 8, effective 1-23-45]

(2) *October 1-15, 1941 margin.* (i) A seller of motor fuel at a retail establishment may, if he chooses, fix a maximum price for each grade of motor fuel by adding to the maximum tankwagon price of the reference seller for undivided dealers for the point where the retail establishment is located an amount equal to the difference which existed between:

(*a*) The tankwagon price of the reference seller for undivided dealers at that point during the major portion of the period October 1-15, 1941, and

(*b*) The service station price for motor fuel of that grade at the service station or other retail establishment during the major portion of the period October 1-15, 1941.

NOTE: The reference tank wagon sellers are listed by states and the District of Columbia in section 7 (i).

(ii) If the reference seller has no maximum tankwagon price for undivided dealers for the point where the retail establishment is located, or had no tank wagon price for undivided dealers at that point during the major portion of the period October 1-15, 1941, a maximum price may be fixed by adding to the maximum tank wagon price to the nearest undivided retail dealer who is a tankwagon buyer an amount equal to the difference which existed between:

(*a*) The tankwagon price to such nearest undivided retail dealer during the major portion of the period October 1-15, 1941, and

(*b*) The service station price for motor fuel of that grade at the service station or other retail establishment for which a price is being determined during the major portion of the period October 1-15, 1941.

SEC. 10. *Increases and reductions in maximum prices*—(a) *Increases where maximum prices of suppliers have been increased.*

NOTE: The increases set forth in this paragraph may be added to March, 1942 prices only. They may not be added to prices fixed under section 8 or section 9 (b) (1) and (2).

(1) *Tankwagon purchasers.* If the maximum tankwagon price of a particular petroleum product to a retail dealer is increased pursuant to any regulation or provision of the Office of Price Administration which became effective on or after February 13, 1943, such retail dealer's maximum price for such petroleum product determined under section

9 (a) (1) shall be increased by the same amount, except where the increase is specifically provided for in section 10 (b).

In no event, however, may a maximum price for a petroleum product determined under this section 10 (a) (1) exceed the maximum price for such product at the nearest retail dealer within the same tankwagon area who was a tankwagon buyer from the reference seller during March 1942.

[Subparagraph (1) amended by Amr. 2, 9 F.R. 3459, effective 4–5–44; and Am. 8, effective 1–23–45. Section heading amended by Am. 5, 9 F.R. 10640, effective 9–10–44]

(2) *Bulk purchasers in tank car, motor transport, barge, etc. lots.* If a retail dealer is not a tankwagon buyer of gasoline, kerosene, range or stove oil, distillate fuel oils, tractor and Diesel fuel at a particular retail establishment, and, therefore, cannot take advantage of the increase permitted certain tankwagon buyers under the preceding paragraph, his maximum price shall be the sum of:

(i) His maximum price as determined under section 9 (a) (1) and,

(ii) An amount equal to the difference between his delivered cost on June 19, 1943 and the maximum tankwagon price of the reference seller at that point. The reference tankwagon sellers are listed by states and the District of Columbia in section 7 (i).

In no event, however, may a retail dealer who fixes a maximum price for a petroleum product at his retail establishment under the provisions of this section 10 (a) (2) exceed the maximum price for such product at the nearest retail establishment where the dealer is a tankwagon buyer.

(b) *Increases and reductions in maximum prices of particular products in designated areas.*

NOTE: The increases set forth in this paragraph may be added to March, 1942 prices only. They may not be added to prices fixed under section 8 and section 9 (b) (1) and (2).

(1) *Area increases and reductions*—(i) *Eastern Seaboard increases and reductions.* The following table sets forth an amount per gallon for specified areas and products which shall be added to or subtracted from March 1942 prices for each specified product in arriving at a maximum price under section 9 (a) (1).

	Amount of increase or decrease in cents per gallon					
	Gasoline		Kerosene range oil and No. 1 fuel oil		No. 2 fuel oil and Diesel fuel	
	Increase	Decrease	Increase	Decrease	Increase	Decrease
Connecticut	0.4		1.7		1.4	
Delaware	0.4		1.7		1.4	
Florida (East of the Apalachicola River)	0.1		1.2		0.9	
Georgia	0.1		1.2		0.9	
Maine	0.4		1.7		1.4	
Maryland	0.4		1.7		1.4	
Massachusetts	0.4		1.7		1.4	
New Hampshire	0.4		1.7		1.4	
New Jersey	0.4		1.7		1.4	
New York	0.4		1.7		1.4	
Excepting: Schedule D area comprising the Counties of Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Steuben		0.2	1.2		0.9	
North Carolina	0.0		1.4		1.1	
Pennsylvania	0.4		1.7		1.4	
Excepting Schedule D area comprising the Counties of Allegheny; Armstrong; Beaver; Butler; Cameron Clarion; the township of Sandy in Clearfield County; the townships of Chapman, East Keating, Leidy, Noyes and West Keating in Clinton County; Crawford; Elk; Erie; Fayette; Forest; Greene; Jefferson; Lawrence; McKean; Mercer; Potter; Tioga; Venango; Warren; Washington; and all of Westmoreland except the townships of Derry, Fairfield, Ligonier, and St. Clair		0.2	1.2		0.9	
Rhode Island	0.4		1.7		1.4	
South Carolina	0.0		1.4		1.1	
Vermont	0.4		1.7		1.4	
Virginia	0.4		1.7		1.4	
West Virginia		0.2	1.2		0.9	
Excepting the Counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph, and Tucker	0.4		1.7		1.4	
District of Columbia	0.4		1.7		1.4	
Corporate limits Bristol, Tennessee	0.4		1.7		1.4	

[Subparagraph (i) amended by Am. 5, 9 F.R. 10640, effective 9–10–44, corrected 9 F.R. 11539, effective 9–23–44, and further corrected 9 F.R. 11958, effective 9–29–44. Heading to paragraph (b) and (b) (1) amended by Am. 5, 9 F.R. 10640, effective 9–10–44]

(ii) *Balance of rationed area.* In any area where fuel oil rationing is required by the United States Government or any agency thereof, other than the area included in subdivision (i) of this section 10 (b) (1), the maximum prices for kerosene, range oil, prime white distillate No. 1 or Pacific Specification No. 100 fuel oil, No. 1 fuel oil, No. 2 fuel oil and Diesel fuel determined under section 9 (a) (1) may be increased 0.3 of a cent per gallon. The total amount charged on each lot sold shall be adjusted to the nearest cent.

(iii) *Pennsylvania grade motor oils in the Pacific Coast Area.* (a) Maximum prices in the Pacific Coast Area as determined under section 9 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by The Pennzoil Company are increased to 35 cents a quart in any case where the maximum prices of such sellers under said section 9 (a) (1) are below that amount.

(b) Maximum prices in the Pacific Coast Area as determined under section 9 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by Hyvis Oils, Inc., of California are increased to 35 cents a quart in any case where the maximum prices of such sellers under section 9 (a) (1) are below that amount.

(c) Maximum prices in the Pacific Coast Area as determined under section 9 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by Kern Oil Company, Limited, are increased to 30 cents a quart in any case where the maximum prices of such sellers under said section 9 (a) (1) are below that amount.

(iv) *Puerto Rico: Excise taxes.* (a) In addition to the maximum price as determined by section 9 (a) (1), sellers of gasoline at retail establishments in the Territory of Puerto Rico may charge from and after December 1, 1942, 3 cents per gallon inasmuch as the additional excise tax of 3 cents per gallon, which became effective on December 1, 1942, is not collectible, in addition to the maximum price pursuant to section 3 of this regulation. This additional charge may not be collected from the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

(b) In addition to the maximum price as determined by section 9 (a) (1) sellers of petroleum products at retail establishments in the Territory of Puerto Rico may charge, from and after March 5, 1943, to a purchaser included in subsection 4, entitled "Other Excises * * *" of Act 25 enacted by the Legislature of Puerto Rico and approved December 4, 1942, the amount of the 3% tax therein imposed and 3½¢ per gallon to cover the tax increase on lubricating oil imposed by such Act, except that the total amount charged on each lot shall be adjusted to the nearest cent.

(2) *Local increases*—(i) *Quincy, Illinois, gasoline.* In Quincy, Illinois, the maximum prices of regular and premium grade gasoline sold at retail establishments determined under section 9 (a) (1) is increased 1.5 cents a gallon.

(ii) *Great Falls, Montana, gasoline.* Maximum prices as determined under section 9 (a) (1) for service station operators within the Great Falls, Montana, tankwagon area who reduced their prices on third grade and regular grade gasoline between February 25 and February 28, 1942, inclusive, are increased by the amount of such decrease but not more than 1½ cents per gallon.

SEC. 11. *Maximum prices to be established by application*—(a) *For liquefied petroleum gas.* If under any preceding section of this regulation a seller is unable to ascertain his maximum price for sales of any grade of liquefied petroleum gas covered by this regulation, then the

seller may nevertheless either make a sale of the product or he may notify the Petroleum Branch, Office of Price Administration, Washington, D. C., in writing that the seller has set a tentative maximum price for the product. In giving notice of the setting of such tentative maximum price or within 15 days of the making of the first sale the seller shall file with the Petroleum Branch a written application for the approval of either the tentative or sale price and together with such application a statement setting forth:

(1) Such tentative or sale price and in the latter case, full details of the sale;

(2) An explanation as to why it is impossible for the seller to establish a maximum price under preceding sections of this regulation;

(3) The maximum prices for the same product of other sellers of his same class at the same locality, or, if there are no such maximum prices at such locality the maximum prices of such other sellers and his own maximum prices at the three localities nearest the one at which the tentative price is set or the sale has been made.

Such tentative or sale price shall be the seller's maximum price at that locality for the particular product until the seller is notified by the Price Administrator either that (1) the seller's tentative maximum price has been approved as his maximum price; or (2) a substitute maximum price has been established; or (3) the seller's application has been disapproved for failure to submit the information required by this section. Any maximum price established pursuant to this section may be replaced by another maximum price upon written order to the seller from the Price Administrator.

If a seller shall fail to report a sale as required by this section (a) or if his application or approval of a sale price is disapproved for failure to submit the information required by this section (a) above, the Price Administrator at any time upon written notice to the seller may establish a maximum price for the particular product at the particular locality effective retroactively to a date 15 days after making the said sale.

(b) *For all other products covered by this regulation.* Except in the case of liquefied petroleum gas, a seller's maximum price for a petroleum product sold at a retail establishment which cannot be priced under the other provisions of this regulation, except this section 11, shall be a price in line with the level of maximum prices established by this regulation and shall be determined in the following manner:

The seller or a person authorized by such seller shall, prior to making a sale, file with the District Office of the Office of Price Administration for the district in which his retail establishment is located, an application for approval of his proposed maximum price for the product. The application shall contain the following information:

(a) Explanation of the reasons why the product cannot be priced under the other provisions of this regulation.

(b) Method by which the proposed maximum price was calculated.

(c) Reasons why such proposed maximum price is believed to be in line with the level of maximum prices otherwise established by this regulation. For this purpose information shall be included showing:

(1) Maximum prices for similar products having the same end use and serviceability which are currently sold by the seller, together with a statement of the cost of each;

(2) Maximum prices for the same product, or similar products having the same end use and serviceability, which are sold by sellers of applicant's same class in the same or surrounding area.

The applicant shall also furnish such additional information as the Office of Price Administration may require.

Upon filing, the proposed price shall be the seller's maximum price until it is corrected or disapproved by the Office of Price Administration, or the seller is notified that action thereon has been deferred pending receipt of further information.

A maximum price established for a petroleum product in accordance with the provisions of the General Maximum Price Regulation [5] may be continued as the maximum price under this regulation without being filed with the District Office provided a sale was made at such price prior to May 22, 1944. This price shall, however, be subject to disapproval or correction in the same manner as any maximum price filed under this provision.

The Price Administrator or any Regional Administrator, or any District Director so authorized by written order from his Regional Administrator, at any time by notice in writing may approve or disapprove or correct maximum prices filed, proposed or established under this section 11 so as to bring them into line with the level of maximum prices otherwise established by this regulation.

SEC. 12. *Continuing the effectiveness of certain maximum prices for liquefied petroleum gas heretofore approved by order under Maximum Price Regulation No. 88.* If a maximum price for liquefied petroleum gas at a particular point was heretofore approved for the seller by order under Maximum Price Regulation No. 88,[6] then such order shall be deemed to continue in full force and effect as if established under section 11 (a).

[Section 11 amended and 12 added by Am. 8, effective 1-23-45]

Effective date. This revised regulation shall become effective February 3, 1944. [Revised Maximum Price Regulation 137 originally issued January 28, 1944]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1147; Filed, Jan. 18, 1945; 11:33 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2,[1] Amdt. 1 to Supp. 1[2]]

SALES OF GRAIN BY RETAILERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplement No. 1 to Food Products Regulation No. 2 is amended in the following respects:

1. The paragraph designation "(a)" is inserted immediately following the headnote of section 5.

2. Section 5 (a) (2) is amended to read as follows:

(2) "Store" means a building, or a separate unit in a building, where the business of buying, selling and delivering sacked or packaged grain at retail is carried on, or where a general business, of which such retail grain business is a part, is conducted. In order to maintain its status as a "store", such business shall carry a stock of sacked or packaged grain which it received in that form, for sale at retail, and, in addition, it may carry other stocks of merchandise.

The types of sales described in (i) and (ii) below are not "sales at retail" even though they are made out of a store. The maximum prices on such sales shall be determined pursuant to the applicable supplement to Food Products Regulation No. 2, or to the applicable maximum price regulation covering sales of

[5] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 8304.
[2] 9 F.R. 8309.
[6] 9 F.R. 14944.

the grain in question, and not pursuant to this supplement.

(i) Sales of sacked or packaged grain to persons other than feeders, or sales of bulk grain.

(ii) Sales of grain which was received in bulk and which was sacked or packaged before resale.

3. Section 5 (a) (3) is amended to read as follows:

(3) "Retailer" means, with respect to any lot of grain, a person who receives sacked or packaged grain into his store and sells and delivers it in that form to a feeder.

4. Section 5 (a) (7) is amended to read as follows:

(7) "Bushel," as a unit of measurement, means the following:

	Pounds
Oats	32
Barley	48
Shelled corn	56
Ear corn and snapped corn [1]	
Grain sorghums	56
Wheat	60
Rye	56

[1] The weight as provided by State law, but not less than 68 pounds.

This amendment shall become effective January 23, 1945.

Issued this 18th day of January 1945.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: January 10, 1945.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 45-1149; Filed, Jan. 18, 1945; 11:34 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Amdt. 62]

CANNED PINEAPPLE IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In section 20a, a footnote is added to Table 2a to read as follows:

The maximum prices for all sales for export shall be the same as the maximum prices for sales "to wholesalers."

This amendment shall become effective as of January 10, 1945.

Issued this 18th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1148; Filed, Jan. 18, 1945; 11:33 a. m.]

*Copies may be obtained from the Office of Price Administration.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING THE CUSTOMS REVENUE

COLLECTION OF DUTY BY POSTMASTERS

Joint regulations adopted by the Secretary of the Treasury and the Postmaster General governing the treatment of mail matter received from foreign countries involving the customs revenue.

Section 22.16 (f) of Title 39, Code of Federal Regulations, is amended to read as follows:

§ 22.16 *Postmasters to collect duty and forward same to customs officer.* * * *

(f) When it becomes necessary to redirect a shipment covered by a mail entry to another post office, the postmaster at the forwarding office shall forward the shipment directly to the postmaster in whose district the consignee resides, enclosing the entry in a properly readdressed penalty envelope securely attached to the parcel covered thereby, and notify the customs officer who issued the entry of his action.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

FRANK C. WALKER,
Postmaster General.

[F. R. Doc. 45-1125; Filed, Jan. 18, 1945; 9:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 263, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE RULES AND CHARGES FOR LOADED TANK CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of January, A. D. 1945.

Upon further consideration of Revised Service Order No. 263 of January 12, 1945, and good cause appearing therefor: *It is ordered,* That:

Revised Service Order No. 263 of January 12, 1945, be, and it is hereby, amended by substituting the following paragraphs for paragraphs (a), (b), and (g) (1), (h) and (n).

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall continue to apply the demurrage rules and charges in Agent B. T. Jones' Tariff I. C. C. No. 3815, supplements thereto or reissues thereof, and in other demurrage tariffs with the additions and modifications hereinafter set forth, which modifications and additions are applicable only to all loaded tank cars suitable for interchange having Association of American Railroad mechanical designation prefixed by "TM", "TMI", "TA" and "TAI", in the official equipment register, when held for unloading, reconsigning, diversion or re-shipment.

(b) Tank cars with designation of "TA" and "TAI" henceforth shall be included in and be subject to all provisions now applicable to loaded tank cars of designation "TM" or "TMI".

* * * * *

(g) *Storage charges.* (1) The operation of all rules, regulations and charges for storage in lieu of demurrage on freight in tank cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is hereby suspended and in lieu thereof the rules, regulations and charges named in this order shall apply.

* * * * *

(h) *Claims.* Where additional free time is allowed for weather conditions, bunching and other similar disabilities such as those set forth in Rule 8 of Agent B. T. Jones' Tariff I. C. C. No. 3815, such additional free time shall not exceed 24 hours (1 day) and it shall be added to the reduced free time provided in (d) above.

* * * * *

(n) *Effective date.* Except as provided in paragraph (o) this order shall become effective at 7 a. m., January 22, 1945.

It is further ordered, That this order shall become effective 7 a. m. January 22, 1945; that copies of this order and direction shall be served upon the State railroad regulatory bodies of all States and the District of Columbia and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-1126; Filed, Jan. 18, 1945; 10:37 a. m.]

[S. O. 274]

PART 95—CAR SERVICE

RESTRICTION OF EXPORT WHEAT FROM BUFFALO, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 17th day of January, A. D. 1945.

It appearing, that it has been certified to this Commission by the Director of the Office of Defense Transportation that a shortage of railroad freight cars for the domestic transportation of wheat from the Buffalo, New York, area exists, and that such cars are now being used to transport wheat from Buffalo to north Atlantic ports, Norfolk, Virginia, and ports north thereof for export to foreign countries, and that in order to insure an adequate supply of such cars at Buffalo for the domestic movement of wheat from that point it is necessary to restrict the export movement of wheat from Buffalo during the period of said shortage; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Movement of wheat from Buffalo, N. Y., for export prohibited.* No common carrier by railroad subject to the Interstate Commerce Act serving Buffalo, New York, shall furnish or supply a railroad freight car or cars for loading with, or shall transport or move a railroad freight car loaded with, wheat consigned to any north Atlantic port, Norfolk, Virginia, or ports north thereof, for export, coastwise or intercoastal movement through or beyond such port.

(b) *Application.* This order shall not apply to shipments on which the bill of lading is tendered to the carrier before the effective date hereof.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(d) *Effective date.* This order shall become effective at 6:00 p. m., January 17, 1945.

(e) *Expiration date.* This order shall expire at 12:01 a. m., February 1, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-1127; Filed, Jan. 18, 1945; 10:37 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

BLACKWATER NATIONAL WILDLIFE REFUGE, MD.

Under authority of section 401 of the Act of June 15, 1935, 49 Stat. 383, 16 U.S.C. Sup. 715s, and of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224, 16 U.S.C. 715i), § 27.80 of the regulations of the Acting Secretary dated November 29, 1940 (50 CFR Cum. Supp., 27.80) is hereby amended to read as follows:

§ 27.80 *Order permitting and regulating the trapping of muskrats and other fur animals within the Blackwater National Wildlife Refuge, Maryland.* Until further notice muskrats and other fur animals may be taken on and in the lands and waters of the Blackwater National Wildlife Refuge, Maryland, under the general direction of the officer in charge of the refuge when, in manner, by means, and to the extent not prohibited by State law or regulations, and subject to the following provisions, conditions, restrictions, and requirements:

(a) *Disposition of muskrats and other fur animals and employment of trappers, inspectors, and others.* All muskrats and other fur animals taken on the Blackwater National Wildlife Refuge in accordance with these regulations may be used by the Service for research purposes, or may be disposed of upon such terms and conditions as the Secretary of the Interior may determine to be for the best interests of the Government, or they may be sold by the Fish and Wildlife Service in the open market at the best prices obtainable; and any necessary expenses incurred in the taking and disposition of said animals including the compensation to be paid all trappers, inspectors, assistant inspectors, fur handlers, and laborers shall be paid from funds received from the sale or other disposition of said animal skins and carcasses.

There shall be employed by the Fish and Wildlife Service for the purpose of taking muskrats and other fur animals within the limits of the Blackwater National Wildlife Refuge, (1) trappers who shall be paid on a fee basis for the pelt of each muskrat or other fur animal trapped, and (2) such inspectors, assistant inspectors, fur handlers, and laborers as may be necessary in the discretion of the Director of the Fish and Wildlife Service to supervise and inspect all trapping operations, and to skin, dry, stretch, pack, ship, and sell or otherwise dispose of all muskrat and other fur animal skins and carcasses. The amount of the fee to be paid trappers for each classification of pelt shall be determined by the Director; however, trappers shall furnish at their own expense traps and other equipment which in the determination of the Director are necessary for the proper performance of their duties. The compensation of inspectors, assistant inspectors, fur handlers, and laborers shall be fixed on an hourly, daily, monthly, or yearly basis at such rates as are determined under usual departmental procedure to be consistent with the duties and responsibilities of the respective positions. Such inspectors and assistant inspectors shall be deputized by departmental appointments to enforce the laws and regulations applicable to the refuge.

(b) *Designation of trapping areas.* The Director shall subdivide the refuge into such trapping units as he shall determine to open to muskrat and other fur animal trapping, and shall determine the maximum number of muskrats or other fur animals that may be taken within each unit and the period during which such trapping operations may be conducted as herein provided. The Director may in his discretion, if local conditions warrant, reduce the maximum number of animals that may be taken in any unit, or he may suspend trapping in any or all units of the refuge.

(c) *Assignment of trapping units.* Assignment of not more than one trapper to each approved trapping unit shall be made by the officer in charge, and if the trapper's work is satisfactory, he may be reemployed in the same unit from year to year, or assigned to a different unit.

(d) *Duties of trappers and other employees.* Upon the assignment of a unit to a trapper, it shall be his duty to trap muskrats and/or other fur animals only within his unit in accordance with instructions of the officer in charge covering the number of muskrats or other fur animals to be taken and the time and conditions under which such trapping shall be carried on. Each trapper must register with the assistant inspector in charge of his trapping unit each day before entering the refuge for the purpose of trapping, and on leaving the refuge, the trapper shall deliver to the assistant inspector all animals trapped by him and shall receive a receipt signed by both individuals that shall specify the number and classification of the muskrats or other fur animals so delivered. This receipt, after verification by the inspector or the officer in charge of the number and classification of animals delivered, shall be the basis of the preparation and certification of the pay rolls of the trappers. Assistant inspectors, under the supervision of the inspectors, shall be responsible for all trapping activities within the trapping units assigned to them for supervision. Under the direct supervision of the officer in charge, the inspectors shall be responsible for the coordination and general supervision of all trapping activities and for the super-

vision of the skinning, cleaning, stretching, drying, and preparing for market of all muskrat and other fur animal skins and carcasses.

(e) *Research.* The Fish and Wildlife Service shall gather and keep all necessary records and information concerning the number, sex, and other classifications and grades of pelts and carcasses of the muskrats and other fur animals taken within the refuge, the preparation of the hides and carcasses for marketing, and the sale prices, and shall compile such other information as may be required for the advancement of knowledge and the dissemination of information with respect to the management of fur resources.

(f) *State trapping laws.* Each person employed hereunder to trap muskrats or other fur animals on the refuge shall obtain at his own expense and be in possession of a valid trapping license issued by the State of Maryland, if such license is required. This license shall be carried on the person of the licensee while trapping within the refuge and must be exhibited upon the request of any representative of the State Game and Inland Fish Commission authorized to enforce the State game laws or of any representative of the Department of the Interior, engaged in the administration or enforcement of laws or regulations applicable to the refuge.

(g) *Entry to refuge.* Ingress to and egress from the refuge shall be at the points designated by suitable posting by the officer in charge.

OSCAR L. CHAPMAN,
Assistant Secretary.

JANUARY 11, 1945.

[F. R. Doc. 45-1110; Filed, Jan. 17, 1945; 2:44 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

DEFINITION OF "AREA OF PRODUCTION" WITH RESPECT TO GRAIN, SEEDS, DRY EDIBLE BEANS AND DRY EDIBLE PEAS

NOTICE OF HEARING ON PROPOSED AMENDMENT

In the matter of the amendment of § 536.2 (a) and § 536.2 (b), Part 536, Title 29, Chapter V (Regulations of the Wage and Hour Division defining the term "Area of Production").

Pursuant to section 13 (a) (10) of the Fair Labor Standards Act of 1938 the Administrator of the Wage and Hour Division, United States Department of Labor, issued Regulations, Part 536, Title 29, Chapter V, Code of Federal Regulations, as amended, defining the "area of production." In Addison, et al. v. Holly Hill Fruit Products, Inc., 64 S. Ct. 1215, the United States Supreme Court held these regulations to be invalid on the ground that the "area of production" could not be defined in terms of the number of employees in the plant, and remanded the case to the District Court "with instructions to hold it until the Administrator, by making a valid determination of the area with all deliberate speed, acts within the authority given him by Congress." With a view to carrying out the duty imposed upon the Administrator by section 13 (a) (10) of the Fair Labor Standards Act, and by the order of the United States Supreme Court in the case of Addison, et al v. Holly Hill Fruit Products, Inc., it is proposed to revise the definition of the "area of production" as used in such section insofar as grain, seeds, dry edible beans and dry edible peas are concerned. In accordance with this purpose,

Notice is hereby given, that it has been proposed that the "area of production" as defined in § 536.2 (a) and § 536.2 (b), Part 536, Title 29, Chapter V, Code of Federal Regulations, be redefined with respect to grain, seeds, dry edible beans and dry edible peas as follows:

An individual shall be regarded as employed within the area of production within the meaning of section 13 (a) (10) if he is so engaged in an establishment which is located in the open country or in a rural community and the establishment obtained during the preceding calendar year 95 percent or more of the specified commodities directly from farms located in the county in which the establishment is located or in contiguous counties.

As used in this paragraph "open country" or "rural community" shall not include any city or town of 2,500 or greater population according to the latest available United States Census, or any area, as measured by the shortest usable road within:

3 miles from the town or city limits of a town or city with a population of 2,500 to 9,999; or

6 miles from the town or city limits of a town or city with a population of 10,000 to 24,999; or

10 miles from the city limits of a city with a population of 25,000 to 99,999; or

20 miles from the city limits of a city with a population of 100,000 or greater.

As used in this subsection "contiguous county" shall mean a county any point of which makes contact with any point of the county in which the establishment is located.

A hearing will be held on February 13, 1945 at 10 a. m. in the National Headquarters Office, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 165 West 46th Street, New York, New York, before the Administrator or a presiding officer designated by him for the purpose of receiving evidence and hearing argument on the question whether the foregoing definition of the "area of production" with respect to grain, seeds, dry edible beans and dry edible peas shall be adopted by the Administrator and, if not, what other definition shall be issued by him.

Any interested person may appear at the hearing to offer evidence: *Provided,* That such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, not later than February 3, 1945, a notice of his intention to appear containing the following information:

1. The name and address of the person appearing and the name of the industry in which he is concerned;
2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations he is representing;
3. Whether he is appearing in support of or in opposition to the proposed amendment, and what other amendments, if any, he is proposing; and
4. The approximate amount of time he will require for his presentation.

Written statements in lieu of personal appearance may be mailed to the Administrator: *Provided,* That all such statements shall be filed with the Administrator prior to the date of the hearing.

Copies of the following report will upon written request to the Administrator be made available to any interested person:

Area of production: grain, seeds and dry edible beans or peas, January 1945, prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

This report will be made a part of the record of the hearing.

Signed at New York, New York, this 11th day of January 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-1118; Filed, Jan. 17, 1945; 4:46 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 807]

RECONSIGNMENT OF ORANGES AND TANGERINES AT HARTFORD, CONN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Hartford, Connecticut, January 13, 1945, by Pioneer Fruit Company, of cars FGE 34465 and 45594, oranges and tangerines, now on the N. Y. N. H. & H. Railroad to Strock & Company, Boston, Massachusetts (N. Y. N. H. & H.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-1128; Filed, Jan. 18, 1945; 10:37 a. m.]

[S. O. 70-A, Special Permit 811]

RECONSIGNMENT OF TOMATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, January 11 or 12, 1945, by Wells Fargo Company of Arizona, of car MERX 4190, tomatoes, now on the C. R. I. & P. Railroad, to Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-1129; Filed, Jan. 18, 1945; 10:37 a. m.]

[S. O. 70-A, Special Permit 812]

RECONSIGNMENT OF POTATOES AT MONETT, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Monett, Missouri, January 15, 1945, by L. S. Taube, of car ART 246, potatoes, now on the Frisco Railway to Holland Fruit Company, Springfield, Missouri (Frisco).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-1130; Filed, Jan. 18, 1945; 10:37 a. m.]

[S. O. 70-A, Special Permit 813]

RECONSIGNMENT OF CARROTS AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act;

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, January 15, 1945, by D. O. Williams Company, Inc., of car PFE 33695, carrots, now on the Missouri Pacific Railroad, to Belleville, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-1131; Filed, Jan. 18, 1945; 10:37 a. m.]

[S. O. 70-A, Special Permit 814]

RECONSIGNMENT OF CAULIFLOWER AT DECATUR, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Decatur, Illinois, January 6, 1945, by Milton Schoenburg Company, of car PFE 97227, cauliflower, on the Wabash Railroad to Milton Schoenburg Company, Chicago, Illinois, (Wabash) account Railroad error in transmitting orders.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-1132; Filed, Jan. 18, 1945; 10:38 a. m.]

[S. O. 70-A, Special Permit 815]

RECONSIGNMENT OF CARROTS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, January 15, 1945, by John B. Cancelmo Company of car BREX 75924, carrots, now on the Pennsylvania Railroad, to H. Goldsandt, New York, New York (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroad subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-1133; Filed, Jan. 18, 1945; 10:38 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 500A-132]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and

made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on December 19, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Einführung in die Statik. 1943, 2 Aufl. vii, 132 p.	Fritz Chmelka and Ernst Melan (nationalities not established).	Julius Springer, Wien, Germany (nationality German).	Owner.
Unknown	Rahmentragwerke und Durchlaufträger. 2 Aufl. 1943, xi, 357 p.	Richard Guidan (nationality not established).	Julius Springer, Wien, Germany (nationality German).	Owner.
Unknown	Gasverflüssigung und Ihre Thermodynamischen Grundlagen, bound in Handbuch der Experimentalphysik, edited by W. Wien and F. Harms, Band 9, 1. Teil, 1929.	Herbert Lenz (nationality not established).	Akademische Verlagsgesellschaft M. B. H., Leipzig, Germany (nationality German).	Owner.
Unknown	Das deutsche, Rheinland, 1930	Wilhelm Schafer (nationality not established).	Atlantis-Verlag G. m. b. h., Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 45–1080; Filed, Jan. 17, 1945; 11:11 a. m.]

[Vesting Order 500A–133]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of the order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument,

accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on December 19, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Die Entstehung der Gesteine. Ein Lehrbuch der Petrogenese, 1939.	Thomas Fredrik W. Barth (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
Unknown	Handbuch der metallographischen Schlief-, Polier- und Atzverfahren. Erweiterte deutsche Bearbeitung von Antonie Meyer, 1940.	Torkel Bergiund (nationality not established).	Julius Springer, Berlin Germany (nationality German).	Owner.
A For. 11828	Technische Kinematik. Zwangslaufmechanik nebst Bewegungsgeometrie und Dynamik der Getriebe, 1931.	Rudolf Beyer (nationality not established).	Johann Ambrosius Barth, Leipzig, Germany (nationality German).	Owner.
Unknown	Die mechanischtechnologischen Eigenschaften der reinen Metalle. Unter Mitarbeit von Georg Sachs, 1935. (Guertler, Wm. Metallographie, 2, 2, 10, T).	Arthur Burkhardt (nationality not established).	Gebruder Borntrager, Berlin, Germany (nationality German).	Owner.
Unknown	Raum- und Bauakustik, Ein Leitfaden für Architekten und Ingenieure, 1939.	Josef Engl (nationality not established).	Akademische Verlagsgesellschaft, Leipzig, Germany (nationality German).	Owner.
Unknown	Laplace-Transformation. Eine Einführung für Physiker, Elektro-, Maschinen- und Bauingenieure, 1943.	Ernst Hameister (nationality not established).	R. Oldenbourg, München, Germany (nationality German).	Owner.
Unknown	Die Wälzlager, 1937	Wilhelm Jürgensmeyer (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
A For. 17437	Potentialfelder der Elektrotechnik, 1932	Franz Ollendorff (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
Unknown	Die chemischen Gewerbekrankheiten und ihre Behandlung. 2. verb. Aufl. (Arbeitsmedizin Abhandlungen uber Berufskrankheiten und deren Verhütung. Hft. 12) 1940-42.	Georg Rodenacker (nationality not established).	Johann Ambrosius Barth, Leipzig, Germany (nationality German).	Owner.
Unknown	Physikalische Chemie der metallurgischen Reaktionen, 1930.	Franz Sauerwald (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
Unknown	Grundriss der modernen Arzneistoff-Synthese, 1931.	K. H. Slotta (nationality not established).	F. Enke, Stuttgart, Germany (nationality German).	Owner.
Unknown	Beruhrungsfreie Dichtungen, 1943	Karl Trutnovsky (nationality not established).	VDI-Verlag, Berlin, Germany (nationality German).	Owner.
Unknown	Handbuch der Katalyse, 1939, 1941, vols. 1 and 3	Georg Maria Schwab (nationality not established).	J. Springer, Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 45-1081; Filed, Jan. 17, 1945; 11:11 a. m.]

[Vesting Order 2064, Amdt.]

ANNA WERPUPP LINGEN

In re: Mortgage Participation Certificates for Anna Werpupp Lingen; File F-28-12996; E. T. sec. 3992.

Vesting Order Number 2064, dated September 1, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity Union Trust Company, Trustee, acting under the judicial supervision of the Court of Chancery of New Jersey, Trenton, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Werpupp Lingen, Bismark Street, Weida Thuringe, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Werpupp Lingen in and to Mortgage Trust Participation Certificates Nos. 76467, 64759 and 82774, issued by the Fidelity Union Trust Company, as Trustee, pursuant to an order of the Court of Chancery of New Jersey under the Mortgage Guaranty Corporations' Rehabilitation Act affecting Fidelity Union Title and Mortgage Guaranty Company,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 15, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–1134; Filed, Jan. 18, 1945; 11:11 a. m.]

MARY A. LEPPLA

NOTICE OF SUMMARY PROCEEDING FOR ALLOWANCE OF CLAIM

In the matter of the claim of: Mary A. Leppla (Claim No. 1121, as amended)—(V. O. No. 1666).

The Alien Property Custodian having vested by Vesting Order No. 1666 (8 F.R. 9474) certain furniture, particularly described in Exhibit A attached to said vesting order, stored in the name of Marjorie Leppla Tangee in the warehouse of the Manhattan Storage & Warehouse Company, 52d Street and 7th Avenue, New York, New York; and Mary A. Leppla having filed a notice of claim asserting that she was the owner of certain of the articles of furniture so vested; and recommendation for allowance of said claim having been submitted:

Notice is hereby given pursuant to § 501.1 (h) of the Regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting order, claim and recommendation are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington, D. C., and that any person asserting any objection to the allowance of the claim shall on or before February 1, 1945, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim.

By authority of the Alien Property Custodian.

Dated: January 18, 1945.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.

[F. R. Doc. 45–1135; Filed, Jan. 18, 1945; 11:11 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT E–5]

COMMON CARRIERS

COLLECTION AND DELIVERY OF LINE-HAUL SHIPMENTS IN FRESNO, CALIF., AREA

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, and War Production Board Directive 21, and in order to conserve and providently utilize vital transportation equipment, materials, and supplies, and to provide for the continuous and expeditious movement of necessary traffic by common carriers of property, the attainment of which purposes is essential to the successful prosecution of the war, it is hereby ordered, that:

1. *Applicability.* The provisions of this order shall be applicable only to the collection and delivery by or for the account of common carriers in the Fresno Area of shipments of property transported in line-haul service.

2. *Definitions.* As used in this order, the term:

(a) "Fresno Area" means and includes the municipality of Fresno and the territory immediately adjacent thereto and commercially a part thereof;

(b) "Common carrier" or "carrier" means any person which holds itself out to engage in the transportation of property for the general public in line-haul service for compensation, regardless of the designation of such person under any Federal or State statute;

(c) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(d) "Line-haul service" means the transportation of property by any facility of transportation between a point within the Fresno Area and a point outside that Area;

(e) "Collection" or "collect" means taking possession of property at a shipper's dock, warehouse, or other point where the property is available for loading for transportation and includes the acceptance of property from the shipper at the terminal or other facility maintained by the carrier for the acceptance of property;

(f) "Delivery" or "deliver" means relinquishing possession of property at the consignee's dock, warehouse, or other point which the consignee has designated for receiving delivery of the property and includes acceptance of the property by the consignee at the terminal or other facility maintained by the carrier for the delivery of property;

(g) "Truckload traffic" means a shipment moving from one consignor to one consignee in one day under a truckload or volume rate, subject to a stated minimum weight of not less than 10,000 pounds, and covered by one bill of lading;

(h) "Property" means anything, except persons and their personal baggage, capable of being transported by vehicle;

(i) "Vehicle" means any facility capable of being used for the transportation of property; and,

(j) "Special equipment" means any vehicle, the primary carrying capacity of which is occupied by mounted machinery.

3. *Collections of property; availability and restrictions.* (a) Before attempting collection of property, a common carrier shall make definite arrangements with the shipper thereof as to the time when and the place where the property will be available for collection.

(b) No common carrier shall collect, or cause the collection of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, and then only when the order for the collection thereof is received by the carrier prior to 3 p. m. of such day; or,

(2) Between the hours of 8 a. m. and 1 p. m. on any Saturday and then only when the order for the collection thereof is received by the carrier prior to 12 noon of such day.

(c) No common carrier shall make, or cause to be made, more than one collection of property from any one dock, warehouse, or other collection point, for the account of any one shipper on any one calendar day: *Provided*, That the collection of truckload traffic, as defined by subparagraph (g) of paragraph 2 of this order shall not be subject to the restriction of this subparagraph (c).

4. *Designation of collection point; preparation of property for shipment.* No common carrier shall attempt the collection of property from a shipper unless and until the shipper, prior to the time agreed upon by the carrier and shipper for the collection of such property, shall have:

(a) Designated the point or points at which the property will be available for collection;

(b) Prepared the property for shipment including, in respect of two or more shipments, the segregation and separation of such shipments to permit prompt checking and identification by the carrier; and,

(c) Placed the property for collection at the point or points so designated.

5. *Failure to prepare property for shipment; collection deferred.* Whenever a shipper fails, prior to the time agreed upon by the carrier and shipper, to prepare and place property for collection in the manner specified by paragraph 4 of this order, no common carrier shall collect, or cause the collection of, the property thereafter during the same calendar day.

6. *Restrictions on deliveries.* (a) No common carrier shall deliver, or cause the delivery of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) Between the hours of 8 a. m. and 1 p. m. on any Saturday or Sunday.

(b) When delivering two or more shipments to a consignee at one time, the common carrier shall segregate or separate such shipments to permit prompt checking and identification of such shipments by the consignee.

(c) In effecting deliveries of property no common carrier shall:

(1) Sort or separate any shipment as to sizes, brands, flavors, or other characteristics, for the use of the consignee; or,

(2) Deliver a single shipment, or part thereof, to more than one receiving point on or within the premises of the consignee.

(d) No common carrier shall make, or cause to be made, more than one delivery of property to any one destination point for the account or benefit of any one consignee on any one calendar day: *Provided,* That the delivery of truckload traffic, as defined by subparagraph (g) of paragraph 2 of this order shall not be subject to the restriction of this subparagraph (d).

7. *Placement of vehicles for collections or deliveries; restrictions.* No common carrier for the purpose of collecting or delivering property shall place, or spot, or cause to be placed or spotted, or permit or allow to remain, any vehicle on, at, or near the premises of a shipper or consignee, (or other point or place designated by agreement for the collection or delivery of property) at any time during which collections, by virtue of the terms of paragraph 3 of this order, or deliveries, by virtue of the terms of paragraph 6 of this order, are prohibited.

8. *Truckload deliveries; notification of consignee.* A common carrier shall notify the consignee as to any truckload consignment before delivery thereof is attempted in order that the consignee may make provision for the prompt unloading of the vehicle, or vehicles.

9. *Place of collecting or delivering property.* Collections and deliveries of property shall be made only at places which physically are accessible to vehicles. Loading and unloading of vehicles shall be limited to places customarily used in collecting and delivering property at docks or street level.

10. *Prohibited collections and deliveries; when may be made.* (a) A common carrier, while making any collection or delivery not prohibited by the terms of the foregoing paragraphs of this order, may make any collection or delivery which is made without operating the collecting or delivering vehicle any additional distance.

(b) A common carrier who actually has commenced the collection of property at a shipper's dock, warehouse, or other point where the property is available as defined by paragraph 4 of this order, within the time not prohibited by the terms of paragraph 3 of this order, may complete the collection of such property: *Provided,* That the time required to complete such collection does not exceed an additional half hour from said 5 p. m. or said 1 p. m. as the case may be.

(c) A common carrier who actually has commenced the delivery of property at the premises of a consignee within the time not prohibited by the provisions of paragraph 6 of this order, may complete the delivery of such property.

11. *Exemptions.* The provisions of this order shall not apply in respect of:

(a) Any shipment of property, the expedited movement of which is necessary to meet the needs of the military or naval forces of the United States, the United States Maritime Commission, or the War Shipping Administration;

(b) Any shipment consisting of household goods as defined by General Order ODT 43 (9 F.R. 3261);

(c) Any shipment of medicines or other supplies or equipment, the expedited movement of which is necessary for the protection or preservation of life, health or public safety;

(d) Any shipment of property, the transportation of which requires special equipment;

(e) Any shipment of livestock;

(f) Any shipment of property, the transportation of which requires the use of a mounted tank or tanks;

(g) Any shipment of property moving in the express service of any common carrier by express subject to the provisions of Part I of the Interstate Commerce Act;

(h) Any shipment of property during the course of its transfer between the terminals of carriers incidental to line-haul service; and,

(i) Any shipment of perishable commodities, the expedited movement of which is necessary to prevent spoilage or other damage from deterioration.

12. *Filing of tariffs.* Every common carrier required by law to file tariffs of rates, charges, rules, regulations and practices forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operation affected by this order, and publish and file in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rules, regulations and practices of the carriers which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

13. *Carrier not relieved from other laws or regulations.* The provisions of this order shall not be so construed or applied as to authorize or require any act or omission which is in violation of any law or regulation, including any general order or other requirement of the Office of Defense Transportation.

14. *Special permits.* The provisions of this order shall be subject to any special permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardship. Application for a special permit shall be made in conformity with the provisions of Administrative Order ODT 14 (9 F.R. 1184).

15. *Communications.* Communications concerning this order should refer to Special Order ODT E–5, and unless otherwise directed should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective January 22, 1945.

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. § 633, Pub. Law 509—78th Cong.; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; WPB Dir. 21, 8 F.R. 5834)

Issued at Washington, D. C., this 17th day of January 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–1066; Filed, Jan. 17, 1945; 10:40 a. m.]

[Supp. Order ODT 3, Rev. 494]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN HOUSTON AND LAGRANGE, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such

[1] Filed as part of the original document.

tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective January 22, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of January 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Central Freight Lines, Inc., Waco, Tex.
Chase Herder, Jr., doing business as Herder Truck Lines, Weimar, Tex.

[F. R. Doc. 45-1068; Filed, Jan. 17, 1945; 10:41 a. m.]

[Supp. Order ODT 3, Rev. 495]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN EVANSTON, WYO., AND OGDEN AND SALT LAKE CITY, UTAH

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective January 22, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

[1] Filed as part of the original document.

Issued at Washington, D. C., this 17th day of January 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

William H. Burdett and J. Glen Burdett, copartners, doing business as Burdett Transfer Company, Evanston, Wyo.

Interstate Motor Lines, Inc., Salt Lake City, Utah.

[F. R. Doc. 45-1069; Filed, Jan. 17, 1945; 10:40 a. m.]

[Supp. Order ODT 3, Rev. 496]

COMMON CARRIERS

COORDINATED OPERATIONS IN MINNESOTA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to file tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective January 22, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of January 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[1] Filed as part of the original document.

APPENDIX 1

Harry E. Reynolds and Norman Nold, copartners, doing business as Tri-State Transportation Co., Sioux Falls, S. Dak.

Walter Davis and G. Willard Davis, copartners, doing business as Davis Transfer Co., Fairmont, Minn.

[F. R. Doc. 45-1070; Filed, Jan. 17, 1945; 10:41 a. m.]

[Supp. Order ODT 3, Rev. 497]

COMMON CARRIERS

COORDINATED OPERATIONS IN MISSISSIPPI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation

of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective January 22, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of January 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

J. May Smith, doing business as Smith Transfer & Storage Co., Meridian, Miss.

T. J. McLemore, doing business as McLemore Transfer & Storage, Meridian, Miss.

Mrs. Hattie Mae Miller, doing business as Miller Transfer, Meridian, Miss.

[F. R. Doc. 45-1071; Filed, Jan. 17, 1945; 10:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 516]

PASQUALE MARCHETTA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Pasquale Marchetta, 1204 W. Chambers Street, Milwaukee 6, Wis. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Amapola	Havana Smokers	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 17, 1945.

Issued this 16th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1048; Filed, Jan. 16, 1945; 4:41 p. m.]

[MPR 260, Order 517]

ELSIE M. SLENKER & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Elsie M. Slenker & Co., Railroad and Wallick Alley, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
H. S. Northrop	Invincible	50	$44	2 for 11
Richard Carle	do	50	44	2 for 11
Will Carlton	Corona	50	40	5
Merp's Blunt	do	50	40	5
Wright Lorimer	Queens	50	40	5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and

shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 17, 1945.

Issued this 16th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1049; Filed, Jan. 16, 1945; 4:42 p. m.]

[MPR 260, Order 518]

EUGENE GALLAGHER & BRO. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) The Eugene Gallagher & Bro. Co., 161½ North 4th Street, Columbus, Ohio (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Golden Cloe	----------	50	$40	5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 17, 1945.

Issued this 16th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1050; Filed, Jan. 16, 1945; 4:42 p. m.]

[MPR 260, Order 519]

BOMBER CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Bomber Cigar Company, 745½ Wall Street, Los Angeles 14, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Bomber Panatela	Panatela	50	$64.00	8
Bomber Silver Wing	Silver Wing	50	105.00	14
Bomber Air Queen	Air Queen	50	82.50	11
Bomber Air Flight	Air Flight	50	82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 17, 1945.

Issued this 16th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1051; Filed, Jan. 16, 1945; 4:42 p. m.]

[MPR 260, Order 520]

WILLIAM D. GIPE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) William D. Gipe, R. F. D. No. 1, Windsor, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Daddy's Pride	Londres	50	$44	2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 17, 1945.

Issued this 16th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1052; Filed, Jan. 16, 1945; 4:42 p. m.]

[MPR 260, Order 521]

SIMON WELLMAN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Simon Wellman, 94 Essex Street, Malden, Mass. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Mirandella	Blunts	50	$115.00	15
Kenmore	Londres	50	115.00	15
Inspiro	Junior	50	48.00	6
State Seal	Perfecto	50	93.75	2 for 25
Inspiro	Londres	50	97.50	13

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 17, 1945.

Issued this 16th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1053; Filed, Jan. 16, 1945; 4:43 p. m.]

[MPR 260, Amdt. 1 to Order 299]

S. FRIEDER & SONS CO. OF PA.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for "Garcia Grande Waldorf" cigars set forth in paragraph (a) of Order No. 299 under Maximum Price Regulation No. 260 are amended to read as follows:

Maximum list price	*Maximum retail price*
$75.00 per M	10¢

This amendment shall become effective January 18, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1101; Filed, Jan. 17, 1945; 11:51 a. m.]

[MPR 260, Amdt. 1 to Order 416]

WAITT AND BOND, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for "Blackstone Kings" and "Blackstone Perfecto Extra" cigars set forth in paragraph (a) of Order No. 416 under Maximum Price Regulation 260 are amended to read as follows:

	Maximum list price	Maximum retail price
	Per M	*Cents*
Blackstone Kings	$115	15
Blackstone Perfecto Extras	138	18

This amendment shall become effective January 18, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1102; Filed, Jan. 17, 1945; 11:51 a. m.]

[MPR 260, Order 522]

TAMPA ROSE CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Tampa Rose Cigar Factory, 2533 Cherry Street, Tampa 7, Fla. (hereinafter caller "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Tampa Rose	Coronas	50	$56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 18, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1103; Filed, Jan. 17, 1945; 11:51 a. m.]

[MPR 260, Order 523]

LA UNIDAD CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) La Unidad Cigar Factory, 2809 Nebraska Avenue, Tampa 3, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Unidad	Brevas Especiales	50	$161.50	21
	Queens	50	161.50	21
	Palmas	50	161.50	21
	Coronas	50	56.00	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 18, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1104; Filed, Jan. 17, 1945; 11:52 a. m.]

[MPR 260, Order 524]

EL CUBANO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) El Cubano Cigar Factory, 1308 10th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Flor de Miranda	Coronas	50	$56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 18, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1105; Filed, Jan. 17, 1945; 11:52 a. m.]

[MPR 260, Order 525]

CASTRO & LOPEZ CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Castro & Lopez Cigar Factory, 2201 N. Howard Avenue, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Flor de Lopez & Castro.	Cadets	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 18, 1945.

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1106; Filed, Jan. 17, 1945; 11:52 a. m.]

[MPR 120, Order 1259]

BUCKLIN MINE, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, the following maximum prices are established for the sizes, uses and methods of shipment of bituminous coal from the mines, indicated by index number and name, all of which are in District No. 15, as follows:

Index No.	Mine name	Production group	Type of shipment for which these prices apply	Rail or truck maximum prices and size group Nos.													Railroad locomotive fuel prices					
				1, 2, 3	4	5	6	7	8	9	10	11	12	13	14	15	3″ x ¼″ unwashed 3″ x 0 washed	3″ x 0 stoker screenings with ½ of fines removed	2″ x ¼″ unwashed 2″ x 0 washed	1¼″ x 0 (w) washed 1¼″ x 0 (r) unwashed 1¼″ x ¼″ unwashed	2″ x 0 washed or unwashed	Any other size not specifically listed
24	Bucklin	3 D	R or T	475	475	450	450	450	450	450	425	425	425	400	275	225						450
48	Elmira	4 D	R or T	525	525	500	500	425	400	525	385	475	385	----	335	215						400
50	Farmers No. 10	5 D	R or T	500	500	465	445	435	410	500	395	410	395	----	315	225						500
85	Menghine	1 S	R or T	340	340	345	305	300	290	305	290	270	255	230	210	140					250	290
359	Knoxville	4 D	R or T	500	500	440	420	410	385	500	370	385	370	----	290	200						400
408	Appleby	3 D	T	425	425	410	400	390	380	405	375	380	365	365	305	240						390
447	Blue Blazes	3 D	T	400	400	385	375	365	355	380	350	355	340	340	280	215						
669	H. C. Coal Co	3 D	R or T	425	425	410	400	390	380	405	375	380	365	365	305	240						390
975	Spangler & Parks	2 S	R or T	320	320	320	320	310	295	285	285	265	245	235	200	175	Same as rail prices					
1073	Winston	4 D	R or T	525	525	455	435	425	400	525	385	400	385	----	305	215						415
[1] 1510	Sooner	11 S	R	345	330	----	315	----	270	310	230	----	----	185	----	----						
[1] 1510	Sooner	11 S	T	420	390	----	360	----	250	310	230	----	----	205	----	----						
[2] 2011	Keystone	10 S	R	440	330	----	305	----	250	270	240	260	----	----	145	----				230 R		315
[2] 2011	Keystone	10 S	T	440	390	----	345	----	235	310	240	225	----	----	190	----						
755	Lane	2 S	T	400	400	375	360	345	340	360	335	335	320	320	300	185						

[1] Prices shall apply for washed coal only. [2] Void after January 31, 1945.
D=Deep. S=Strip. R=Rail. T=Truck.

The size group numbers referred to herein are the same as those described in Amendment No. 125 to Maximum Price Regulation No. 120. Where no price appears for a certain use or a certain size, the maximum price provided in the schedule (as amended by Amendment No. 125) for District No. 15 shall apply, unless otherwise specifically provided herein. This is true of all prices including shipments by truck or wagon.

(b) Orders Nos. 435, 490, 592, 668, 782, 847, 880, 908, 1086, 755, 1176, 1191 and 1234, are hereby revoked.

(c) This Order No. 1259 may be amended or revoked at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This Order No. 1259 shall become effective January 22, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1100; Filed, Jan. 17, 1945; 11:50 a. m.]

[MPR 136, Order 401]

CHAMPION SHOE MACHINERY CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 401 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. Docket No. 6083-136.25a-135.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended; *It is ordered:*

(a) The maximum prices for sales by Champion Shoe Machinery Company, St. Louis, Missouri, of stitchers, finishers and parts therefor manufactured by it shall be determined by increasing the maximum net price it had in effect to a purchaser of the same class just prior to the issuance of this order by the following percentages:

Item:	*Percentage increase*
Stitchers and parts therefor	4.5
Finishers and parts therefor	30.0

(b) The maximum prices for sales by resellers of stitchers, finishers and parts therefor manufactured by Champion Shoe Machinery Company, shall be determined as follows: The reseller shall increase the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order by the amount, in dollars-and-cents, by which his cost has been increased due to the adjustment granted the Champion Shoe Machinery Company by this order.

(c) Champion Shoe Machinery Company shall notify all customers who purchase stitchers, finishers and parts therefor for resale of the amount, in dollars-and-cents, by which this order permits the reseller to increase his maximum price.

(d) On or before June 30, 1945, Champion Shoe Machinery Company shall file with the Machinery Branch of the Office of Price Administration, Washington 25, D. C., current unit costs for its No. 52 curved needle stitcher, and its No. 137 economy finisher, and a profit and loss statement for 1944, and the first three months of 1945, segregated into shoe machinery and all other sales.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) All requests not granted herein are denied.

This order shall become effective January 19, 1945.

Issued this 18th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1151; Filed, Jan. 18, 1945; 11:34 a. m.]

[MPR 136, Order 402]

AIR-WAY ELECTRIC APPLIANCE CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 402 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. Docket No. 6083-136.25a-56.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended; *It is ordered:*

(a) The maximum price for the sale of 1,000 Waring Blendors by the Air-Way Electric Appliance Corporation, Toledo, Ohio, to the Waring Corporation, New York, New York, pursuant to Purchase Order No. 37 of the Waring Corporation, shall be $12, each.

(b) The maximum prices for sales by resellers of the 1,000 Waring Blendors, whose maximum price has been increased by this order, shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the dollar-and-cents amount by which his costs have been increased due to the adjustment granted by this order.

(c) The Waring Corporation shall notify those customers who purchase Waring Blendors for resale of the dollar-and-cents amount by which this order permits the reseller to increase his maximum prices. A copy of all such notices shall be filed with the Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 19, 1945.

Issued this 18th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1152; Filed, Jan. 18, 1945; 11:35 a. m.]

[MPR 528, Order 25]

GOODYEAR TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail price for the following new tires, made by the Goodyear Tire and Rubber Company of Akron, Ohio, shall be as follows:

6.00–16, 6 ply, Traction implement tire	$18.15
11.25–42, 8 ply, All traction tractor tire	134.70

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective January 19, 1945.

Issued this 18th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1154; Filed, Jan. 18, 1945; 11:38 a. m.]

[MPR 528, Order 26]

GOODYEAR TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion isued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail price for the following new tires shall be as follows:

6.00–9, 6 ply Farm implement tire	$24.95
11–24, 8 ply, Tractor tire	65.20

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective January 19, 1945.

Issued this 18th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1155; Filed, Jan. 18, 1945; 11:39 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register January 15, 1945.

REGION IV

Montgomery Order 1–C, covering poultry in the Montgomery Area, filed 4:47 p. m.

Montgomery Order 2–C, covering poultry in the Montgomery Area, filed 4:47 p. m.

Montgomery Order 23–F, Amendment 4, covering fresh fruits and vegetables in certain counties in Alabama, filed 4:47 p. m.

Montgomery Order 24–F, Amendment 10, covering fresh fruits and vegetables in Dallas County, Ala., filed 4:47 p. m.

REGION V

New Orleans Order 1–F, Amendment 15, covering fresh fruits and vegetables in certain counties in Louisiana, filed 4:17 p. m.

New Orleans Order 2–F, Amendment 53, covering fresh fruits and vegetables in certain counties in Louisiana, filed 4:49 p. m.

New Orleans Order 2–F, Amendment 54, covering fresh fruits and vegetables in certain counties in Louisiana, filed 4:17 p. m.

Shreveport Order 2–F, Amendment 46, covering fresh fruits and vegetables in the Shreveport Area, filed 4:49 p. m.

Shreveport Order 3–F, Amendment 35, covering fresh fruits and vegetables in the Shreveport Area, filed 4:49 p. m.

Wichita Order 1–C, Amendment 2, covering poultry in the Wichita Area, filed 4:50 p. m.

Wichita Order 4–F, Amendment 27, covering fresh fruits and vegetables in the Wichita Area, filed 4:49 p. m.

REGION VI

Peoria Order 2–F, Amendment 35, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 4:49 p. m.

Peoria Order 2–F, Amendment 36, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 4:16 p. m.

Peoria Order 3–F, Amendment 35, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 4:48 p. m.

Peoria Order 4–F, Amendment 30, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 4:48 p. m.

Peoria Order 4–F, Amendment 31, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 4:16 p. m.

Peoria Order 5–F, Amendment 18, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 4:47 p. m.

Peoria Order 5–F, Amendment 19, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 4:16 p. m.

Sioux City Order 2–F, Amendment 52, covering fresh fruits and vegetables in certain cities in Iowa and Nebraska, filed 4:17 p. m.

REGION VII

Boise Order 4–F, covering fresh fruits and vegetables in certain counties in the State of Idaho, filed 4:14 p. m.

Boise Order 16–W, covering community food prices in Boise City, Idaho, filed 4:14 p. m.

Boise Order 17–W, covering community food prices in Idaho Falls and Twin Falls, in the State of Idaho, filed 4:13 p. m.

Boise Order 18–W, covering community food prices in the city of Pocatello, in the State of Idaho, filed 4:13 p. m.

Boise Order 32–A, covering community food prices in Alameda and Pocatello, in the State of Idaho, filed 4:18 p. m.

Boise Correction to Order 32–B, covering community food prices in Alameda and Pocatello, in Idaho, filed 4:42 p. m.

Boise Order 32–B, covering community food prices in Alameda and Pocatello, in the State of Idaho, filed 4:44 p. m.

Boise Correction to Order 32–C, covering community food prices in Alameda and Pocatello, in Idaho, filed 4:42 p. m.

Boise Order 32–C, covering community food prices in Alameda and Pocatello, in Idaho, filed 4:45 p. m.

Boise Order 33–A, covering community food prices in Boise City, Idaho, filed 4:18 p. m.

Boise Order 33–B, covering community food prices in Boise City, Idaho, filed 4:44 p. m.

Boise Order 33–C, covering community food prices in Boise City, Idaho, filed 4:43 p. m.

Boise Correction to Order 33–C, covering community food prices in Boise City, Idaho, filed 4:42 p. m.

Boise Order 34–A, covering community food prices in certain counties in the States of Oregon and Idaho, filed 4:46 p. m.

Boise Order 34–B, covering community food prices in certain counties in the States of Oregon and Idaho, filed 4:19 p. m.

Boise Correction to Order 34–B, covering community food prices in certain counties in the States of Oregon and Idaho, filed 4:42 p. m.

Boise Order 34–C, covering community food prices in certain counties in the States of Oregon and Idaho, filed 4:18 p. m.

Boise Correction to Order 34–C, covering community food prices in certain counties in the States of Oregon and Idaho, filed 4:42 p. m.

Boise Order 35–A, covering community food prices in certain counties in the State of Idaho, filed 4:44 p. m.

Boise Order 35–B, covering community food prices in certain counties in the State of Idaho, filed 4:46 p. m.

Boise Correction to Order 35–B, covering community food prices in certain counties in the State of Idaho, filed 4:42 p. m.

Boise Order 35–C, covering community food prices in certain counties in the State of Idaho, filed 4:13 p. m.

Boise Correction to Order 35–C, covering community food prices i the State of Idaho, filed 4:42 p. m.

Boise Order 36–A, covering community food prices in certain counties in the State of Idaho, filed 4:45 p. m.

Boise Order 36–B, covering community food prices in certain counties in the State of Idaho, filed 4:19 p. m.

Boise Correction to Order 36–B, covering community food prices in certain counties in the State of Idaho, filed 4:42 p. m.

Boise Order 36–C, covering community food prices in certain counties in the State of Idaho, filed 4:43 p. m.

Boise Correction to Order 36–C, covering community food prices in certain counties in the State of Idaho, filed 4:19 p. m.

Montana Order 31–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Montana, filed 4:14 p. m.

Montana Order 32–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Montana, filed 4:15 p. m.

Montana Order 33–F, Amendment 1, covering fresh fruits and vegetables in certain cities in Montana, filed 4:15 p. m.

Montana Order 34–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Montana, filed 4:15 p. m.

Montana Order 35–F, Amendment 1, covering fresh fruits and vegetables in the Glasgow Area, filed 4:15 p. m.

Montana Order 36–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Montana, filed 4:15 p. m.

Montana Order 37–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Montana, filed 4:15 p. m.

Montana Order 39–F, Amendment 1, covering fresh fruits and vegetables in certain area in Montana, filed 4:15 p. m.

Montana Order 40–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Montana, filed 4:16 p. m.

Montana Order 41–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Montana, filed 4:16 p. m.

Montana Order 42–F, covering fresh fruits and vegetables in certain cities in the State of Montana, filed 4:16 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–1144; Filed, Jan. 18, 1945; 11:39 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register January 17, 1945.

REGION II

Baltimore Order 8–F, covering fresh fruits and vegetables in certain counties in Maryland, filed 9:44 a. m.

Baltimore Order 9–F, covering fresh fruits and vegetables in certain counties in Maryland, filed 9:44 a. m.

Camden Order W–4, Amendment 1, covering dry groceries in certain areas in New Jersey, filed 9:43 a. m.

Camden Order 17, Amendment 1, covering dry groceries in the Camden Area, filed 9:44 a. m.

Camden Order 18, Amendment 1, covering dry groceries in the Camden Area, filed 9:44 a. m.

Camden Order 19, Amendment 1, covering dry groceries in the Camden Area, filed 9:43 a. m.

Trenton Order 7–F, Amendment 18, covering fresh fruits and vegetables in Mercer, Middlesex and Monmouth Counties, filed 9:43 a. m.

Wilmington Order P–1, Amendment 6, covering fresh fish and seafood in the Wilmington, Delaware, Area, filed 9:44 a. m.

REGION III

Cincinnati Order 4–F, Amendment 1, covering fresh fruits and vegetables in Hamilton County, Ohio, filed 9:41 a. m.

Cincinnati Order 5–F, Amendment 1, covering fresh fruits and vegetables in certain counties in the State of Ohio, filed 9:41 a. m.

Indianapolis Order 2–C, covering poultry in the Indianapolis Area, filed 9:42 a. m.

Indianapolis Order 19–W, covering community food prices in the Southern Area, filed 9:42 a. m.

Indianapolis Order 20–W, covering community food prices in the Northern Area, filed 9:42 a. m.

REGION IV

Columbia Order 5–F, Amendment 4, covering fresh fruits and vegetables in Lexington and Richland Counties, filed 9:38 a. m.

Columbia Order 6–F, Amendment 2, covering fresh fruits and vegetables in certain counties in South Carolina, filed 9:34 a. m.

Columbia Order 19–O, covering community egg prices in the South Carolina Area, filed 9:34 a. m.

Columbia Order 2–O, covering community egg prices in the South Carolina Area, filed 9:33 a. m.

Columbia Order 21–O, covering community egg prices in the South Carolina Area, filed 9:29 a. m.

Columbia Order 22–O, covering community egg prices in the South Carolina Area, filed 9:29 a. m.

Jackson Order 1–C, Amendment 1, covering poultry in the Jackson, Miss. Area,, filed 9:39 a. m.

Jackson Order 2–C, Amendment 1, covering poultry in the Jackson, Miss. Area, filed 9:39 a. m.

Memphis Order 7–F, Amendment 5, covering fresh fruits and vegetables in certain counties in the State of Tennessee, filed 9:40 a. m.

Richmond Order 4–F, Amendment 17, covering fresh fruits and vegetables in certain counties in Virginia, filed 9:39 a. m.

Richmond Order 5–F, Amendment 10, covering fresh fruits and vegetables in certain countes in Virginia, filed 9:40 a. m.

REGION VIII

Fresno Order 1–F, Amendment 51, covering fresh fruits and vegetables in the Fresno Area, filed 9:25 a. m.

Fresno Order 1–O, Amendment 2, covering eggs in certain counties in the State of California, filed 9:27 a. m.

Fresno Order 2–F, Amendment 39, covering fresh fruits and vegetables in Modesto, filed 9:25 a. m.

Fresno Order 3–F, Amendment 36, covering fresh fruits and vegetables in certain cities in California, filed 9:26 a. m.

Fresno Order 4–F, Amendment 11, covering fresh fruits and vegetables in certain counties in California, filed 9:26 a. m.

Fresno Order 5–F, Amendment 11, covering fresh fruits and vegetables in certain counties in California, filed 9:26 a. m.

Fresno Order 6–F, Amendment 22, covering fresh fruits and vegetables in certain counties in California, filed 9:26 a. m.

Fresno Order 7–F, Amendment 1, covering fresh fruits and vegetables in Merced, filed 9:25 a. m.

Los Angeles Order 1–F, Amendment 48, covering fresh fruits and vegetables in the Los Angeles Area, filed 9:20 a. m.

Los Angeles Order 1–F, Amendment 49, covering fresh fruits and vegetables in the San Bernardino-Riverside Area, filed 9:22 a. m.

Los Angeles Order 1–C, Amendment 2, covering poultry in the Los Angeles Area, filed 9:19 a. m.

Los Angeles Order 2–C, Amendment 2, covering poultry in the Los Angeles Area, filed 9:20 a. m.

Los Angeles Order 5, Amendment 25, covering eggs in the Los Angeles Area, filed 9:21 a. m.

Los Angeles Order 6, Amendment 25, covering eggs in the San Bernardino-Riverside Area, filed 9:22 a. m.

Los Angeles Order 7, Amendment 25, covering eggs in the Santa Barbara-Ventura Area, filed 9:21 a. m.

Los Angeles Order 8, Amendment 25, covering eggs in the San Luis Obispo Area, filed 9:20 a. m.

Los Angeles Order 10, Amendment 14, covering eggs in the Los Angeles Area, filed 9:21 a. m.

Los Angeles Order 11, Amendment 13, covering eggs in the Los Angeles Area, filed 9:21 a. m.

Nevada Order 6–F, Amendment 6, covering fresh fruits and vegetables in Reno and Sparks Area, filed 9:28 a. m.

Nevada Order 7–F, Amendment 6, covering fresh fruits and vegetables in certain counties in Nevada, filed 9:28 a. m.

Nevada Order 8–F, Amendment 6, covering fresh fruits and vegetables in certain counties in Nevada, filed 9:27 a. m.

Nevada Order 9–F, Amendment 6, covering fresh fruits and vegetables in certain counties in Nevada, filed 9:27 a. m.

Nevada Order 10–F, Amendment 6, covering fresh fruits and vegetables in certain counties in Nevada, filed 9:28 a. m.

Phoenix Order 1–F, Amendment 3, covering fresh fruits and vegetables in the Tucson Area, filed 9:25 a. m.

Phoenix Order 3–F, Amendment 54, covering fresh fruits and vegetables in the Phoenix Area, filed 9:24 a. m.

San Diego Order 1–F, Amendment 7, covering fresh fruits and vegetables in the San Diego Area, filed 9:19 a. m.

San Francisco Order F–1, Amendment 49, covering fresh fruits and vegetables in certain counties in California, filed 9:28 a. m.

San Francisco Order F–2, Amendment 42, covering fresh fruits and vegetables in certain cities in California, filed 9:28 a. m.

San Francisco Order F–3, Amendment 41, covering fresh fruits and vegetables in certain areas in California, filed 9:29 a. m.

San Francisco Order F–4, Amendment 40, covering fresh fruits and vegetables in certain cities in California, filed 9:29 a. m.

San Francisco Order F–5, Amendment 39, covering fresh fruits and vegetables in certain cities in California, filed 9:18 a. m.

San Francisco Order F–6, Amendment 35, covering fresh fruits and vegetables in certain cities in California, filed 9:18 a. m.

Seattle Order 2–P, covering fresh fish and sea food in Seattle, Wash., filed 9:18 a. m.

Seattle Order 6–F, Amendment 11, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area, filed 9:24 a. m.

Seattle Order 7–F, Amendment 10, covering fresh fruits and vegetables in the Tacoma, Washington Area, filed 9:24 a. m.

Seattle Order 9–F, Amendment 11, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area, filed 9:23 a. m.

Seattle Order 12–F, Amendment 8, covering fresh fruits and vegetables in the Aberdeen-Hoquiam, Washington Area, filed 9:23 a. m.

Seattle Order 13–F, Amendment 10, covering fresh fruits and vegetables in the Centralia-Chehalis, Washington Area, filed 9:24 a. m.

Seattle Order 14–F, Amendment 9, covering fresh fruits and vegetables in the Wenatchee, Washington Area, filed 9:24 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–1145; Filed, Jan. 18, 1945; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–838]

LAKE SHORE GAS CO. AND ASSOCIATED ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Comission, held at its office in the City of Philadelphia, Pa., on the 15th day of January 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, The Lake Shore Gas Company ("Lake Shore"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding the proposed sale of Aelec's entire interest in Lake Shore, the proposed acquisition by Aelec of certain assets of Lake Shore, and related matters; and

The Commission having, on September 15, 1944, after notice and hearing, filed its supplemental order granting and permitting the amended application-

declaration to become effective and releasing the jurisdiction theretofore reserved (Holding Company Act Release No. 5293); and

The Commission having, on November 15, 1944, upon the request of applicants-declarants, extended the time for consummating said transactions to and including January 15, 1945; and

The applicants-declarants having, on January 9, 1945, advised the Commission that the parties have been unable to consummate the transactions proposed in said application-declaration within such time, and having requested that the time for such consummation be extended to and including March 15, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request:

It is ordered, That the time for consummating said transactions be, and hereby is, extended to and including March 15, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-1111; Filed, Jan. 17, 1945; 2:45 p. m.]

[File Nos. 70-641, 59-62]

GENERAL GAS & ELECTRIC CORP., ET AL.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of January 1945.

In the matter of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, Georgia Power and Light Company, File No. 70-641; Georgia Power and Light Company, General Gas & Electric Corporation, File No. 59-62.

The Commission by order dated September 7, 1943, having granted applications and permitted declarations to become effective with respect to the proposed merger, and related transactions, of Florida Power Corporation, Florida Public Service Company, Sanford Gas Company and Sante Fe Land Company, subsidiaries of General Gas & Electric Corporation, a registered holding company, subject to the following condition, among others:

That Florida Power Corporation shall, within one year of the effective date of the merger into it of Florida Public Service Company, Sanford Gas Company and Santa Fe Land Company, divest itself, in any appropriate manner not in contravention of the applicable provisions of the act or the rules and regulations promulgated thereunder, of all water, gas and ice properties owned by it, other than the ice plant in the City of Orlando, Florida, and the water properties servicing the community of Winter Garden, Florida, and all land obtained as the result of the merger of Sante Fe Land Company.

and

General Gas & Electric Corporation having requested that the time within which Florida Power Corporation may complete compliance with the provisions of said order be extended for a period of one year, and having stated, in connection with such request, that since January 14, 1944, the effective date of said merger, Florida Power Corporation, by sales to non-affiliates, has disposed of 1,610 acres of land obtained as a result of the merger of the Santa Fe Land Company and still retains 292 acres of such land; that prior to January 14, 1944, the constituent companies had disposed of all their water properties other than those servicing the community of Winter Garden, Florida; that Florida Power Corporation expects to enter into a contract in the near future with a non-affiliate for the sale of all the gas properties owned by Florida Power Corporation; and that various efforts have been made to dispose of the ice properties (other than the ice plant in Orlando, Florida) but those efforts have not yet been successful; and

The Commission having considered the matter and deeming it appropriate and in the public interest that the extension of time be granted for a period of six months, without prejudice to any further request for such additional extension of time as may be deemed appropriate;

It is ordered, That said order of September 7, 1943, be, and hereby is, modified to the extent necessary to extend the time, within which the remaining requirements of the above quoted condition may be complied with, to July 14, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-1113; Filed, Jan. 17, 1945; 2:45 p. m.]

[File No. 70-1002]

SOUTH CAROLINA POWER CO. AND COMMONWEALTH & SOUTHERN CORP.

ORDER GRANTING APPLICATION-DECLARATION AND PERMITTING SAME TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of January, A. D. 1945.

South Carolina Power Company, a public utility company, and its parent, The Commonwealth & Southern Corporation, a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the exemption from the provisions of sections 6 (a) and 7 of said act, of (1) the issue and sale by South Carolina Power Company, by competitive bidding pursuant to Rule U-50 thereunder, of $8,000,000 principal amount of First and Refunding Mortgage Bonds, --% Series, due 1975, the interest rate to be determined by the results of the competitive bidding and (2) the issue and sale by South Carolina Power Company to banks of $2,400,000 principal amount of 2¼% installment notes, payable in 20 equal semiannual installments, of which the first installment is to be payable six months after the date of delivery; and pursuant to sections 6, 7, 9, 10 and 12 of the act and Rules U-42, U-43, U-44, and U-45, thereunder, regarding (a) the donation by The Commonwealth & Southern Corporation to South Carolina Power Company, for cancellation, of $1,850,000 principal amount of its outstanding First Lien and Refunding 5% Mortgage Bonds and 5,550 shares of its outstanding no par value $6 preferred stock, at the aggregate cost to The Commonwealth & Southern Corporation of $2,292,831.86, to constitute an additional investment in the common stock of South Carolina Power Company, without the issuance of additional shares; (b) the surrender by The Commonwealth & Southern Corporation to South Carolina Power Company for retirement of $3,411,000 principal amount of the latter's First Lien and Refunding 5% Mortgage Bonds at the cost thereof to The Commonwealth & Southern Corporation of $2,855,562.50; (c) the redemption and retirement of $4,600,500 principal amount of South Carolina Power Company 5% Mortgage Bonds and 23,023 shares of its no par value $6 preferred stock outstanding in the hands of the public; (d) a decrease of $5,984,661.12 in the amount of the capital represented by the outstanding shares of the no par value common stock of South Carolina Power Company and a credit of like amount to capital surplus and (e) the disposition by South Carolina Power Company of $6,195,024.81, Electric Plant Acquisition Adjustments (Account 100.5) by a charge to such capital surplus, together with certain other accounting adjustments by both companies; and

Hearings having been held on the joint application-declaration after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and to the following terms and conditions:

1. That the proposed issuance and sale of the $8,000,000 principal amount of first and refunding mortage bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order entered in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose;

2. That so long as any of the new bonds remain outstanding, South Carolina Power Company shall not declare or pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution of assets to holders of common stock by purchase of shares or otherwise, in an amount which, when added to the ag-

gregate of all such dividends and distributions subsequent to the last day of the month in which the new bonds are issued, would exceed 75% of the balance of the net income earned subsequent to said date available for the payment of dividends on the common stock if, after the payment of any such dividend or the making of any such distribution, the aggregate of the par value of, or stated capital represented by, the outstanding shares of the common stock of South Carolina Power Company, and of the surplus of South Carolina Power Company would be less than an amount equal to 40% of the total capitalization and surplus of South Carolina Power Company as defined in the registration statement in respect of the bonds filed by South Carolina Power Company under the Securities Act of 1933, as amended: *Provided, however,* That South Carolina Power Company may, at any time, or from time to time, make application to this Commission for a modification of this condition.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-1112; Filed, Jan. 17, 1945; 2:45 p. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 141]

MISSISSIPPI STATE BOARD OF HEALTH PROJECT

DESIGNATION AS WORK OF NATIONAL IMPORTANCE

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Mississippi State Board of Health Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 141 and shall be located in Harrison County, Mississippi. Said camp, located at Gulfport, Harrison County, Mississippi, will be the base of operations for public health work in the State of Mississippi, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

2. That the work to be undertaken by the men assigned to said Mississippi State Board of Health Project will consist of the establishment of a program to provide acceptable means of waste disposal, protection of water supplies and mosquito proofing of homes, and shall be under the technical direction of the Mississippi State Board of Health insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Office of the Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1945.

[F. R. Doc. 45-1116; Filed, Jan. 17, 1945; 3:50 p. m.]

[Camp Order 142]

WOODBINE, N. J., PROJECT

DESIGNATION AS WORK OF NATIONAL IMPORTANCE

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Woodbine Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 142. Said project, located at Woodbine, Cape May County, New Jersey, will be the base of operations for work at the Woodbine Colony for Feebleminded Males, an institution under the State mental hospital system of New Jersey, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

2. That the men assigned to said Woodbine Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Woodbine Colony for Feebleminded Males, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Woodbine Colony. Administrative and directive control shall be under the Office of the Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1945.

[F. R. Doc. 45-1117; Filed, Jan. 17, 1945; 3:50 p. m.]

SURPLUS PROPERTY BOARD.

[Temporary Order 1]

METALS RESERVE CO.

AUTHORIZATION TO SELL ALUMINUM SCRAP

Introduction. Regulation No. 5 of the Surplus War Property Administration, issued on October 2, 1944 (9 F.R. 12098), provides generally that Government-owned aluminum scrap and aluminum scrap included in termination inventories shall not be sold below certain specified minimum prices, and that all aluminum scrap which is not sold because of inability to obtain the minimum price shall be delivered to storage locations operated by Metals Reserve Company. SWPA Regulation No. 5 further provides that aluminum scrap delivered to such storage locations "will not be sold at any price until the issuance of further instructions or regulations on the subject".

The Board has recently been informed by the War Production Board and by Metals Reserve Company that some of the aluminum scrap now held in Metals Reserve Company storage locations under SWPA Regulation No. 5 is needed for war production, and can be sold at above the minimum prices specified in Regulation No. 5.

Order. 1. Metals Reserve Company is hereby authorized, until further notice, to sell or otherwise dispose of, for war production, any and all aluminum scrap held by it in storage locations under SWPA Regulation No. 5 (9 F.R. 12098), subject to the approval of the War Production Board.

2. The price obtained by Metals Reserve Company shall be not less than the minimum price specified in paragraph 1 of SWPA Regulation No. 5 for the particular grade, plus such amount as may be determined by Metals Reserve Company to compensate, in whole or in part, for the expense to the Government of transporting and storing the scrap.

3. Sales or dispositions of aluminum scrap under this temporary order shall be handled by Metals Reserve Company and reported by it to the Surplus Property Board in the same manner that it handles and reports all other sales and dispositions of surplus property of which it acts as the disposal agency.

4. This temporary order does not modify, rescind, or supersede SWPA Regulation No. 5.

SURPLUS PROPERTY BOARD,
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.

JANUARY 17, 1945.

[F.R. Doc. 45-1136; Filed, Jan. 18, 1945; 11:12 a. m.]

WAR MANPOWER COMMISSION.

WICHITA, KANS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Wichita is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose of the program.
2. Definitions.
3. Authority and responsibility of Area Management-Labor Committee.
4. Encouragement of local initiative and use of existing hiring channels.

Sec.
5. Collective bargaining agreements.
6. Control of hiring and solicitation of workers.
7. Exclusions.
8. Appeals.
9. Conflict with Federal or State law.
10. Effective date and termination of program.

SECTION 1. *Purpose of the program.* The purpose of this employment stabilization program is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war: (a) The elimination of wasteful labor turnover in essential activities; (b) the reduction of unnecessary labor migration; (c) the direction of the flow of scarce labor where most needed in the war program; (d) the maximum utilization of manpower resources; and (e) the preservation of the necessary civilian economy.

SEC. 2. *Definition.* As used in this employment stabilization program: (a) The "Wichita area" means the area comprising the following counties: Sedgwick, Harvey, Marion, Butler, Cowley, Sumner, Kingman, Pratt, Barber, Harper, and Greenwood.

(b) The "Regional Manpower Director" means the Regional Manpower Director of the War Manpower Commission for Region IX, comprising the States of Arkansas, Kansas, Missouri, and Oklahoma.

(c) The "Area Manpower Director" means the Area Manpower Director of the War Manpower Commission for the Wichita area.

(d) The "Area Management-Labor War Manpower Committee" means the Management-Labor Committee appointed by the Regional Manpower Director for the Wichita area.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F. R. 3439). (A list of essential employers will be maintained in the local United States Employment Service office of the War Manpower Commission.)

(f) An "essential employer" means an employer whose establishment is engaged in an essential activity.

(g) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity. (A list of establishments declared locally needed will be maintained in the local United States Employment Service office of the War Manpower Commission.)

(h) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(j) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(k) The term "locality" as used in section 6 (e) (2) of this program means an area the boundaries of which are defined as extending to a reasonable commuting distance from the major center of industrial activity.

(l) "State" includes Alaska, Hawaii, and the District of Columbia.

(m) The term "employer" includes all employers regardless of whether or not they are engaged in an essential activity.

(n) "Solicit" means any activity including any written or oral communication or publication designed or intended to induce any individual or individuals to accept employment.

(o) A "statement of availability" is a form issued to an individual by his last employer or by the United States Employment Service stating that he is available for work in an essential or locally needed activity in accordance with the terms of this program. (Appendix A.[1])

SEC. 3. *Authority and responsibility of Area Management-Labor Committee.* The Area Management-Labor War Manpower Committee is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations to the Area Manpower Director.

SEC. 4. *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization program and with its objectives, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies.

(a) *Federal employment.* All employment within the Wichita area by departments and agencies of the Federal Government which are subject to the rules and regulations of the United States Civil Service Commission shall be made only with the approval of the United States Civil Service Commission, which shall conduct its recruiting activities and make referrals in accordance with applicable War Manpower Commission policies, procedures, and standards.

(b) *Railroad employment.* All hiring within the Wichita area by employers covered by the Railroad Unemployment Insurance Act shall be made only with the approval of the Railroad Retirement Board's Employment Service. That agency shall conduct its recruiting of railroad labor in accordance with applicable War Manpower Commission policies, procedures, and standards.

SEC. 5. *Collective bargaining agreements.* Nothing in this employment stabilization program shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement, or to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him at any step in the operation of this program.

SEC. 6. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Wichita area shall be conducted in accordance with the provisions of this section.

(a) *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive promptly a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal laws or regulations, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustments, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Male workers who receive statements of availability for any of the above reasons shall register immediately with the United States Employment Service for referral in accordance with section 6 (e) (1).

[1] Filed as part of the original document.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 6 (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing, and final decision, has not complied with this program, or any War Manpower Commission regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee is male.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for nonagricultural work: *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Provision for employment ceilings.* The Area Manpower Director may fix for all or any establishments in the Wichita area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

(g) *Pending action on statements of availability or referral.* Workers are requested to remain in their current position pending decisions on requests for statements of availability or referrals.

(h) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization programs, except in a manner consistent with such restrictions. Soliciting male workers without prior approval of the United States Employment Service is prohibited. All advertisements for female workers whose last employment was or is in an essential or locally needed activity shall indicate that such individuals will not be considered for employment unless they present a statement of availability. All advertisements for male workers shall indicate that such workers will not be considered for employment unless they present a referral card.

(i) *Discriminatory hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of, or suitability for, the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(j) *Hiring or leaving employment contrary to this program.* Any employer shall, upon written request of the United States Employment Service, release from employment:

(1) Any worker who has been hired (after the effective date of this program) contrary to the provisions of this program.

(2) Any worker who has been hired upon referral of such worker by the United States Employment Service, if such referral was made as a result of misrepresentation by such worker as to his previous employment and if such referral would not have been made except for such misrepresentation.

(k) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

(l) *Content of statements of availability.* A statement of availability issued to an individual pursuant to the program shall contain only the individual's name, address, social-security account number, if any, the name and address of the issuing employer or War Manpower Commission officer and office, the date of issuance, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission. Statements of availability shall conform to the form attached hereto as Appendix A.

(m) *Retention of statements of availability by employers.* Any employer, after having hired a new employee upon his presentation of a statement of availability, shall retain and file it and shall make it available for inspection upon request of authorized representatives of the War Manpower Commission.

SEC. 7. *Exclusions.* No provision of the employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's last employment for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, state, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, state, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform to the maximum extent practicable under the Constitution and laws applicable to it, with this program;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of employees of public and private educational institutions and such other employee as may be specified by the War Manpower Commission for off-season employment or the rehiring of such employees at the termination of the off-season period.

SEC. 8. *Appeals.* Any worker or employer or group of workers or employers dissatisfied with any act or failure to act in accordance with this program will be given a fair opportunity to appeal his or their case in accordance with regulations and procedures of the War Manpower Commission.

SEC. 9. *Conflict with Federal or State law.* If any provision of this plan is in conflict with the requirements of Regulation No. 7 of the War Manpower Commission, or any Federal or State law, that provision will be deemed void.

SEC. 10. *Effective date and termination of program.* This program shall become effective immediately upon the publication of notice of its approval by the Regional Manpower Director and may be amended from time to time or terminated in accordance with regulations and procedures of the War Manpower Commission. This program, when declared effective, will supersede the Employment Stabilization Program for the Wichita War Manpower Commission Area which became effective on July 1, 1944.

Approved by the Regional Manpower Director, effective December 1, 1944.

Dated: January 9, 1945.

FRANK A. NEFF,
Area Director.

Approved: January 10, 1945.

ED MCDONALD,
Regional Director.

[F. R. Doc. 45-1009; Filed, Jan. 16, 1945; 11:26 a. m.]

WAR PRODUCTION BOARD.

[C-249]

KASCO MILLS, INC.

CONSENT ORDER

Kasco Mills, Inc., of 1352 East Broadway, Toledo, Ohio, an Ohio corporation, is engaged, among other things, in the manufacture of food for domestic stock. The company, as a "Class 2 purchaser", is charged with having used or consumed in excess of its quota 30.7 tons of molasses during the first quarter of 1943; 19.8 tons of molasses during the first quarter of 1944; and 3.1 tons of molasses during the second quarter of 1944, in violation of Conservation Order M-54. Kasco Mills, Inc., admits the violations as charged, does not desire to contest the charge, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Kasco Mills, Inc., the Regional Compliance Chief, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Kasco Mills, Inc., its successors or assigns, shall, from the effective date of this order until October 1, 1945, use or consume at least 53.6 tons of molasses less than its quota as authorized by any order, regulation or authorization of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Kasco Mills, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect upon the date of issuance and shall expire on October 1, 1945.

Issued this 17th day of January 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-1119; Filed, Jan. 17, 1945; 4:43 p. m.]

ARTHUR V. HARTUNG

[C-250]

CONSENT ORDER

Arthur V. Hartung, of 839 Bladensburg Road, N. E., Washington, D. C., is charged by the War Production Board with having done construction on a diner restaurant at 1830 Benning Road, N. E., Washington, D. C., at an approximate cost of $4,000.00, without having obtained authority from the War Production Board, in violation of Conservation Order L-41. This construction took place between August 20, 1944, and October 12, 1944.

Arthur V. Hartung admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Arthur V. Hartung, the Regional Compliance Chief and the Acting Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Arthur V. Hartung, his successors and assigns, nor any other person shall do any construction on the diner restaurant on the premises at 1830 Benning Road, N. E., Washington, D. C., including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Arthur V. Hartung, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance.

Issued this 17th day of January 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-1120; Filed, Jan. 17, 1945; 4:43 p. m.]

[Certificate 103, Amdt. 1]

COOPERATIVE ACTION PLAN BETWEEN AND AMONG CERTAIN OIL COMPANIES

THE ATTORNEY GENERAL:

I submit herewith a letter to me from H. Clay Johnson, Vice President and General Counsel of Rubber Reserve Company, dated January 3, 1945, and the documents therein mentioned, relating to certain changes in the plan referred to in Certificate No. 103 issued July 28, 1943 (8 F.R. 10647).

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan as described and changed in the letter and the documents therein mentioned; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person, including any of the companies named in the letter, jointly or severally, in compliance with such plan as so described and changed is requisite to the prosecution of the war.

Dated: January 12, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-1137; Filed, Jan. 18, 1945; 11:24 a. m.]